



CITY OF SIGNAL HILL

2175 Cherry Avenue ♦ Signal Hill, CA 90755-3799

THE CITY OF SIGNAL HILL
WELCOMES YOU TO A REGULAR
PLANNING COMMISSION MEETING
February 16, 2016

The City of Signal Hill appreciates your attendance. Citizen interest provides the Planning Commission with valuable information regarding issues of the community. Meetings are held on the 3rd Tuesday of every month.

Meetings commence at 7:00 p.m. There is a public comment period at the beginning of the regular meeting, as well as the opportunity to comment on each agenda item as it arises. Any meeting may be adjourned to a time and place stated in the order of adjournment.

The agenda is posted 72 hours prior to each meeting on the City's website and outside of City Hall and is available at each meeting. The agenda and related reports are available for review online and at the Community Development office and Library on the Friday afternoon prior to the Commission meeting. Agenda and staff reports are also available at our website at www.cityofsignalhill.org.

During the meeting, the Community Development Director presents agenda items for Commission consideration. The public is allowed to address the Commission on all agenda items. The Chair will announce when the period for public comment is open on each agenda item. The public may speak to the Commission on items that are not listed on the agenda. This public comment period will be held at the beginning of the public portion of the meeting. You are encouraged (but not required) to complete a speaker card prior to the item being considered, and give the card to a City staff member. The purpose of the card is to ensure speakers are correctly identified in the minutes. However, completion of a speaker card is voluntary, and is not a requirement to address the Commission. The cards are provided at the rear of the Council Chamber. Please direct your comments or questions to the Chair.

CALL TO ORDER

ROLL CALL

CHAIR FALLON
VICE-CHAIR AUSTIN
COMMISSIONER BENSON
COMMISSIONER MURPHY
COMMISSIONER RICHÁRD

PLEDGE OF ALLEGIANCE

The Chair will lead the audience in reciting the Pledge of Allegiance.

PUBLIC BUSINESS FROM THE FLOOR ON ITEMS NOT LISTED ON THIS AGENDA

PRESENTATION

Signal Hill Petroleum will give a presentation responding to questions about the Porter Ranch gas leak and provide a comparative overview of gas and oil operations in Signal Hill.

COMMUNITY DEVELOPMENT DIRECTOR REPORTS

(1) Extension of Site Plan and Design Review 14-04 for the Crescent Square Development

Summary: The Planning Commission will consider a request for a final six-month extension for Site Plan and Design Review 14-04 for the Crescent Square development which consists of 25 three-story detached single-family dwellings on a 3.18-acre parcel at the northeast corner of Walnut Avenue and Crescent Heights Street.

Recommendation: Approve a six-month extension of Site Plan and Design Review 14-04.

(2) Implementation of the Beautification Award Program

Summary: The Planning Commission administers the City's Beautification Award Program. The program began in 2001 and is currently awarded on a quarterly basis. There are no formally adopted guidelines. An overview of the program is included on the City's website. Members of the public may nominate properties using a link on the website. To date, 39 properties have been recognized under the program.

Recommendation: Receive and file.

(3) Follow Up to the 2016 Greater Los Angeles Homeless Count

Summary: Staff will present a brief report about the Homeless Count event and extend thanks to the Commissioners for volunteering.

Recommendation: Receive and file.

(4) Southern California Association of Governments Community Profile

Summary: The Southern California Association of Governments prepares community profiles for each of the 191 agencies in the region once every two years. Staff will provide an overview of 2015 report prepared for the City of Signal Hill.

Recommendation: Receive and file.

CONSENT CALENDAR

The following Consent Calendar items are expected to be routine and non-controversial. Items will be acted upon by the Commission at one time without discussion. Any item may be removed by a Commissioner or member of the audience for discussion.

(5) Minutes of the Following Meeting

Regular Meeting of January 19, 2016

Recommendation: Approve.

(6) City Council Follow-up

Summary: Attached for review is a brief summary on the City Council's action from the January 26, 2016 and Feb 9, 2016 meetings.

Recommendation: Receive and file.

(7) Development Status Report

Summary: Attached for review is the monthly Development Status Report which highlights current projects.

Recommendation: Receive and file.

(8) In the News

Summary: Articles compiled by staff that may be of interest to the Commission.

Recommendation: Receive and file.

COMMISSION NEW BUSINESS

COMMISSIONER RICHÁRD
COMMISSIONER MURPHY
COMMISSIONER BENSON
VICE-CHAIR AUSTIN
CHAIR FALLON

ADJOURNMENT

Adjourn tonight's meeting to the next regular meeting to be held Tuesday, March 15, 2016 at 7:00 p.m. in the Council Chambers located at City Hall.

CITIZEN PARTICIPATION

If you need special assistance beyond what is normally provided to participate in City meetings, the City will attempt to accommodate you in every reasonable manner. Please call the City Clerk's office at (562) 989-7305 at least 48 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible.

February 1



CITY OF SIGNAL HILL

2175 Cherry Avenue ♦ Signal Hill, CA 90755-3799

February 16, 2016

AGENDA ITEM

**TO: HONORABLE CHAIR
AND MEMBERS OF THE PLANNING COMMISSION**

**FROM: SCOTT CHARNEY
COMMUNITY DEVELOPMENT DIRECTOR**

**SUBJECT: DIRECTOR'S REPORT – EXTENSION OF SITE PLAN AND DESIGN
REVIEW 14-04 FOR THE CRESCENT SQUARE DEVELOPMENT**

Summary:

The Planning Commission will consider a request for a final six-month extension for Site Plan and Design Review 14-04 for the Crescent Square development which consists of 25 three-story detached single-family dwellings on a 3.18-acre parcel at the northeast corner of Walnut Avenue and Crescent Heights Street.

Recommendation:

Approve a six-month extension of Site Plan and Design Review 14-04.

Background and Analysis:

On June 10, 2014, the Planning Commission conducted a public workshop to review preliminary plans for the proposed project.

On August 12, 2014, the Planning Commission approved Site Plan and Design Review 14-04 for the site plan and architectural designs and also recommended City Council approval of the second addendum to the Town Center West Environmental Impact Report (EIR), Vesting Tentative Tract Map 75294 and Zoning Ordinance Amendment 14-03. The final vote was 4/0 with one Commissioner absent.

On September 2, 2014, the City Council approved the second addendum to the Town Center West EIR, Vesting Tentative Tract Map 75294 and Zoning Ordinance Amendment 14-03. The final vote was 4/0 with one Council member absent.

Per Signal Hill Municipal Code Section 20.52.060, the Site Plan and Design Review entitlement approval is valid for one year from the day the plans were approved (until September 3, 2015) and thereafter eligible for two six-month extensions. The Director of Community Development may grant an extension of Site Plan and Design Review approval or may refer such request to the Planning Commission. Typically, the Director will review and approve the first extension and refer the second extension to the Planning Commission.

1st Extension

In July 2015, the City received the applicant's request for an extension of the Site Plan and Design Review approval. Also in July, the City adopted a new Oil Code for properties with abandoned oil wells which allowed the project to move forward. Upon receipt of the request and adoption of the Oil Code, the Community Development Director extended the approval of the entitlements for six months (until March 3, 2016).

2nd Request for Extension

In January 2016, the City received a request for the final six-month extension of the Site Plan and Design Review. The applicant has been working on transactional matters and site development documents and hopes to start construction by late spring or early Summer of 2016 (Attachment A).

Per Signal Hill Municipal Code Section 20.52.060, construction of the improvements set forth in the approved Site Plan and Design Review shall commence prior to the expiration of the Site Plan and Design Review (September 3, 2016) if extension is approved.

Attachment

SummerHill Homes

18401 Von Karman Avenue, Suite 420
Irvine, CA 92612
Tel: 949 250 9002
SummerHillHomes.com

February 9, 2016

Scott Charney
City of Signal Hill
2175 Cherry Avenue, Signal Hill CA 90755-3799

Re: Extension of Site Plan and Design Review 14-04 for Crescent Square Residential Development,
Signal Hill CA 90755

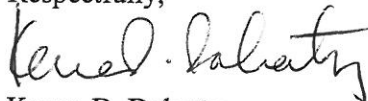
Dear Mr. Charney:

The purpose of this letter is to summarize our status and schedule. Our recent efforts have focused on transactional matters, including "closing", the Finance & Conveyance Map and related tasks. Additionally, we have recently completed a "belt and suspenders" update of environmental documentation, including a Phase II, Human Health Risk Assessment ("green light" on both) and a Soil Management Plan.

Based on our meetings with Staff, our site development documents (grading plans, street improvement plans, etc.) are approval-ready subject to execution of the attendant subdivision improvement agreements, posting of bonds, etc. The Final Map is through plan check as well, and is similarly positioned for recordation subject to completion of the CC&R's, which are in the third (and hopefully final) round of revisions between our respective counsels.

The current schedule contemplates starting site development after El Nino clears out (!) in late spring/ early summer. The building plans and landscape construction documents will be submitted and permitted during the initial site development operations.

Respectfully,



Keven D. Doherty

Vice President Development
SummerHill Homes

Cc: Jason Biggs
Selena Alanis

February 2



CITY OF SIGNAL HILL

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February 16, 2016

AGENDA ITEM

**TO: HONORABLE CHAIR
AND MEMBERS OF THE PLANNING COMMISSION**

**FROM: SCOTT CHARNEY
COMMUNITY DEVELOPMENT DIRECTOR**

**SUBJECT: DIRECTOR'S REPORT – IMPLEMENTATION OF THE BEAUTIFICATION
AWARD PROGRAM**

Summary:

The Planning Commission administers the City's Beautification Award Program. The program began in 2001 and is currently awarded on a quarterly basis. There are no formally adopted guidelines. An overview of the program is included on the City's website (Attachment A). Members of the public may nominate properties using a link on the website (Attachment B). To date, 39 properties have been recognized under the program (Attachment C).

Recommendation:

Receive and file.

Attachments

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Beautification Awards

Sustainability Awards

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Award Programs

Our community has beautiful neighborhoods and attractive businesses with residents and business owners who care about our planet's precious resources. The City of Signal Hill has two recognition programs, the Beautification Award and the Sustainability Award. [Select the page to the left to see highlights of the recent award winners in our community.](#)



Details of the program criteria and how you can participate are provided below.

Beautification Award Program

What is the Beautification Award? The Planning Commission of the City of Signal Hill sponsors the Beautification Award program to show appreciation and acknowledge the residential and commercial property features and improvements that help to set the City of Signal Hill apart as an attractive place to live, work and play.

The award is selected and granted quarterly at a meeting of the Planning Commission, and recognition of recipients may be included in the *City Views*, the City of Signal Hill website or other media.

How can I make a nomination? Anyone may make a nomination by completing the [Nomination Form](#). Please note that you must complete the form by hand and send a pdf either via email to ComDevelopment@cityofsignalhill.org, or mail to City of Signal Hill, Attn: Community Development, 2175 Cherry Avenue, Signal Hill, CA 90755.

Who is eligible? Any residence or business within the city limits of Signal Hill may be nominated. A presentation of the award is made at a Planning Commission meeting, and the award is presented in appreciation of recipients (whether or not they are able to attend), including a brief presentation about each property's distinctive attributes and enhancements made to a property.

Thank you to everyone for participating in this recognition program. We are proud of our community and appreciate our residents and businesses who help to make this a beautiful city.

All are welcome to attend meetings of the Planning Commission. View the meeting schedule [here](#).



CITY OF SIGNAL HILL

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PLANNING COMMISSION BEAUTIFICATION AWARD NOMINATION FORM

I hereby nominate the following Signal Hill property for a City of Signal Hill Planning Commission Award:

Property Address: _____

Contact name: _____ Phone No. _____

Email: _____ Date: _____

Category:

☐ Small business ☐ Residential ☐ Large development ☐ Commercial/industrial

Reasons for nomination:

- ☐ **Building Exteriors** – Remodel, upgrade or renovation making use of quality materials and finishes; use of architectural details.
- ☐ **Walls, Fences, and Gates** – New or replacement of fence or wall making use of quality materials, enhancing overall aesthetics
- ☐ **Landscape** – New or replacement of landscaping making use of a variety of plants, use of color, healthy and well-trimmed, well maintained.
- ☐ **Maintenance** – Clean, free of trash, fresh paint, well kept property.
- ☐ **Other** (circle an example or explain below) – upgrades appearance of neighborhood; repair/rehabilitation of historic site; creative re-use of vacant site or building; mitigates safety problem (e.g., landscape graffiti-covered wall).

Email to: ComDevelopment@cityofsignalhill.org or mail to
City of Signal Hill, Attn: Community Development, 2175 Cherry Avenue, Signal Hill, CA 90755
You will be contacted regarding the status of the nomination.
For more information, please call (562) 989-7340.

Beautification Award History 2001-2015

Attachment C

1st	Mary and Nicholas De Los Reyes	2001 Obispo Ave.	05/12/15
2nd	Vivir Properties	2799 E. 21st St.	08/11/15
3rd	Century Calibrating Company	1101 E. 25th St.	10/13/15
1st	Teri Wohlgemuth, Paula Pelton	3323 Lemon Ave.	03/12/14
2nd	Signal Hill Petroleum	Willow/Walnut Ave.	06/10/14
3rd	Willow Ridge Community Association	Willow/Junipero Ave.	09/09/14
4th	2299 Molino Ave.	Molino/Skyline	12/09/14
			presented 1/13/15
1st	Signal Hill Police Facility	2745 Walnut Avenue	04/09/13
2nd	Scott/Cheng residence	2059 Stanley Avenue	09/10/13
3rd	Town Center East	Cherry Ave. and Willow	12/10/13
1st	Boulevard Buick/GMC	2800 Cherry	04/10/12
2nd	EDCO Facility	2755 California	06/12/12
3rd	Boulevard Cadillac	2850 Cherry	09/11/12
1st	Tiger Cased Hole Services	2828 Junipero	03/08/11
2nd	Remodel - Rick and Dyana Andersen	3350 Gundry Ave.	06/04/11
3rd	Residential improvements	2017 Raymond Ave.	09/13/11
4th	Remodel - Scott and Kim Burrows	2898 Sunset View	12/13/11
1st	Alford's English Gardens landscape	1840 E. 29th St.	09/29/10
2nd	Fresh & Easy Market	2475 Cherry Ave.	11/09/10
3rd	LB Conservation Corps	3251 E. 19th St.	12/14/10
1st	Peter & Anthony Cavanna – 1220 Hill St.	1220 Hill St.	04/14/09
2nd	Delius Restaurant	2951 Cherry Ave.	05/12/09
3rd	Graner Oil landscape	Walnut Ave/Burnett	06/09/09
4th	Signal Hill Petroleum	Walnut Ave/Willow, 33rd/Calif.	07/14/09
5th	Crisell & Associates	2199 Willow St.	08/11/09
6th	Kluger Architects	1855 Coronado Ave.	09/08/09
1st	Haigh Mihranian 8 unit apt bldg	2499 E. 19th St.	08/19/08
2nd	Gath Insurance	2199 E. Temple Ave.	10/21/08

Beautification Award History 2001-2015

1st	Roger Vititow	1033-1035 Burnett St.	05/15/07
1st	Tile and Stone Design Center	975 E. Willow Street	08/15/06
2nd	SH Industrial Center - Fu-Lyons	2665-2745 Temple Ave.	09/19/06
1st	Reno Hardware	2845 Walnut Ave.	03/15/05
2nd	Storage Yard Fence – John Greenwell	2755 Dawson Avenue	06/21/05
1st	Proscape Landscape	1446 E. Hill Street	03/16/04
2nd	Mr. & Mrs. Rix	1889-1999 Raymond Ave.	03/16/04
3rd	Glass Shop - Marshal Fuller	2023 19th St.	06/15/04
1st	Blue Cross Veterinary Hospital	2665 E. PCH	09/16/03
1st	Millenium Realty Management	2185 E. 21st St.	04/10/01
2nd	Roger Vititow	2345 Walnut Ave.	05/08/01

February 3



CITY OF SIGNAL HILL

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February 16, 2016

AGENDA ITEM

**TO: HONORABLE CHAIR
AND MEMBERS OF THE PLANNING COMMISSION**

**FROM: COLLEEN DOAN
SENIOR PLANNER**

**SUBJECT: DIRECTOR'S REPORT – FOLLOW UP TO THE 2016 GREATER LOS
ANGELES HOMELESS COUNT**

Summary:

Staff will present a brief report about the Homeless Count event and extend thanks to the Commissioners for volunteering.

Recommendation:

Receive and file.

Background and Analysis:

On January 27, 2016, the City participated in its third Greater Los Angeles Homeless Count event. The lead agency for the Count is the Los Angeles Homeless Services Authority (LAHSA). LAHSA conducts a 3-day regional homeless count every two years. The last count was held in 2015, but with assistance from the Veteran's Administration, additional events were held again this year.

Nearly 7,500 volunteers countywide assisted with a targeted Youth Count, a Shelter Count, a demographic survey and the Point-In-Time Count such as the one conducted in Signal Hill. The data gathered from all of these efforts helps give an accurate picture of homeless people in the region and provides the foundation to allocate resources where they will have the greatest impact.

The Community Development Department hosted the Signal Hill event providing coordination, training, refreshments and volunteer recruitment. Signal Hill police officers Kelli Brown, Tom Nadal and Andrew Serna served as drivers for three mobile teams. The 3-hour event included orientation, training and a mobile survey of every street and alley in the city. The following homeless data was reported:

- 1 van
- 7 campers/RVs
- 5 adult individuals
- 8 makeshift shelters
- 1 tent

The data was tallied and entered into the LAHSA online data software the night of the event and was delivered back to LAHSA the next day.

We want to thank all of our volunteers, including our Planning Commissioners who provided back-up assistance for this years' event.

Thank you to the following volunteers for their participation:

- Zachary Boan, Huntington Beach resident
- Robin Haskins, Bellflower resident
- Pam Hughes, Signal Hill resident
- Janice Elizabeth Kreh, Huntington Beach resident
- Nancy Lauer, Parks and Recreation Commissioner
- Cheryl Hill Oakes, Signal Hill business owner
- Elsie Rodriguez, Long Beach resident
- Erin Sumner, Signal Hill resident

Approved by:

Scott Charney

February 4



CITY OF SIGNAL HILL

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February 16, 2016

AGENDA ITEM

**TO: HONORABLE CHAIR
AND MEMBERS OF THE PLANNING COMMISSION**

**FROM: SCOTT CHARNEY
COMMUNITY DEVELOPMENT DIRECTOR**

**SUBJECT: DIRECTOR'S REPORT – SOUTHERN CALIFORNIA ASSOCIATION OF
GOVERNMENTS COMMUNITY PROFILE**

Summary:

The Southern California Association of Governments (SCAG) prepares community profiles for each of the 191 agencies in the region once every two years. Staff will provide an overview of 2015 report prepared for the City of Signal Hill.

Recommendation:

Receive and file.

Background and Analysis:

SCAG began preparing community profiles in 2008 as one of its initiatives to provide technical assistance to member agencies. The community profiles use 2000 as the base year for comparison purposes and include data on the following:

- Population
- Households
- Transportation
- Employment
- Retail sales
- Education

The 2015 community profile for City of Signal Hill has been added to the Population and Demographics page on the City's website www.cityofsignalhill.org and can also be accessed at: <https://www.scag.ca.gov/Documents/SignalHill.pdf>.

February 5



CITY OF SIGNAL HILL

2175 Cherry Avenue ♦ Signal Hill, CA 90755-3799

February 16, 2016

AGENDA ITEM

**TO: HONORABLE CHAIR
AND MEMBERS OF THE PLANNING COMMISSION**

**FROM: SCOTT CHARNEY
COMMUNITY DEVELOPMENT DIRECTOR**

SUBJECT: MINUTES

Summary:

Attached for your review and approval are the minutes of last month's regular meeting.

Recommendation:

Approve.

**A REGULAR MEETING OF THE CITY OF SIGNAL HILL
PLANNING COMMISSION
January 19, 2016
7:00 P.M.**

CALL TO ORDER

Chair Fallon called the meeting to order at 7:00 p.m.

ROLL CALL

The Commission Secretary conducted roll call.

Present: Chair Fallon
 Vice-Chair Devon Austin
 Commissioner Tom Benson
 Commissioner Shannon Murphy
 Commissioner Rose Richárd

Staff present:

- 1) Community Development Director Scott Charney
- 2) Senior Planner Colleen Doan
- 3) Associate Planner Selena Alanis
- 4) Assistant City Attorney Elena Q. Gerli
- 5) Assistant City Attorney Gina Chung
- 6) Sr. Engineering Technician Anthony Caraveo

In addition, there was 1 person in attendance.

PLEDGE OF ALLEGIANCE

Chair Fallon led the audience in reciting the Pledge of Allegiance.

PUBLIC BUSINESS FROM THE FLOOR

There was no public business from the floor.

PUBLIC HEARING

- (1) Site Plan and Design Review 16-01 for a Single-Family Dwelling at 2085 Freeman Avenue and Alley Vacation

Community Development Director Scott Charney read the form of notice and Associate Planner Selena Alanis gave the staff report. Staff noted that the Conditions of Approval were amended to specify the agent and applicant and a new condition was added to reflect that the Conditions of Approval are subject to City Council approval of the alley vacation.

Vice-Chair Austin asked if the elevation of the proposed project is higher than the property to the south. Staff stated that the proposed project is a split-level house and confirmed that the proposed garage will be higher than the property to the south.

Commissioner Benson inquired if there is a change in ownership from the Tran Family to Sober Up USA, LLC. Bozena Jaworski, RPP Architects and agent for the Tran Family, clarified that there has not been a change in ownership, this project is designed for the owner, the Tran Family.

Commissioner Benson asked whether the Floor Area Ratio (FAR) of the project site and house will be subjected to change based on the City Council's approval of the alley vacation and noted that the Conditions of Approval do not state this clearly. Staff responded the project must comply with the FAR standard. The project will have to come back to the Planning Commission for a revised Site Plan & Design Review if the City Council does not approve the proposed alley vacation. Staff noted that clarifications to the Conditions of Approval would be added.

Chair Fallon opened the public hearing.

The following member of the public spoke regarding the project:

- 1) Bozena Jaworski, RPP Architects and agent for the Tran Family, stated that the owner is aware that a new Site Plan & Design Review will be required if the alley vacation is not approved by the City Council. She also said the house was designed specifically for the Tran family.

The Commission complimented on the design of the project.

There being no further public testimony, Chair Fallon closed the public hearing.

It was moved by Commissioner Benson and seconded by Commissioner Murphy to waive further reading and adopt the following resolutions:

1. Resolution No. 775-01-16 (as amended), entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SIGNAL HILL, CALIFORNIA, APPROVING SITE PLAN AND DESIGN REVIEW 16-01, A REQUEST TO CONSTRUCT A 4,050-SQUARE-FOOT TWO-STORY SINGLE-FAMILY DWELLING WITH FIVE BEDROOMS AND A THREE-CAR GARAGE AT 2085 FREEMAN AVENUE IN THE RL, RESIDENTIAL LOW DENSITY, ZONING DISTRICT

2. Resolution No. 776-01-16, entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SIGNAL HILL, CALIFORNIA, FINDING THE PROPOSED VACATION OF A 180-FOOT SEGMENT OF THE ALLEY AT 2085 FREEMAN AVENUE AND THE REMOVAL OF THE TRAFFIC STUDY AREA BETWEEN OBISPO AND ORIZABA AVENUES AND NORTH OF 20TH STREET CONSISTENT WITH THE GENERAL PLAN

The following vote resulted:

AYES: CHAIR FALLON; VICE-CHAIR AUSTIN; COMMISSIONERS BENSON, MURPHY AND RICHARD

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

The motion carried 5/0.

COMMUNITY DEVELOPMENT DIRECTOR'S REPORTS

(2) Update on State Model Water Efficient Landscape Ordinance Implementation and Outreach for Tree Care and Turf Replacement

Senior Planner Colleen Doan gave the staff report.

Commissioner Benson asked if the turf replacement legislation, not allowing Homeowners Associations (HOAs) to limit or restrict turf replacement, is only applicable during the drought. Staff responded State laws stated that HOAs can neither prohibit turf replacement by homeowners during the drought nor can HOAs ask homeowners to revert back to turf after the drought.

Vice-Chair Austin asked what the City is going to do regarding browned lawns. Staff responded that browned lawns are not a code violation or a nuisance during the drought, however, complaints about dirt runoff will be handled.

Commissioner Benson mentioned some HOAs have excess water runoff down the street. Staff replied that incidents can be reported to the Water Department.

Commissioner Benson mentioned that many residents are already doing water conservation, the role of the Planning Commission and Community Development Department is to better coordinate and promote water conservation.

Staff stated that as a part of the water conservation effort, more Sustainability Awards will be given out to qualified residents to promote sustainability.

The Commission motioned to receive and file the report.

The motion carried 5/0.

(3) 2016 Planning Commissioners Academy

Community Development Director Scott Charney gave the staff report.

Staff noted that there is also an American Planning Association Conference taking place in Pasadena, California, in October 2016.

Commissioner Benson asked if there is any significant new update to the Planning Commissioners Academy (Academy) this year, since all Commissioners had gone to the Academy previously. Staff responded that there are no major changes to the Academy sessions, but stressed the importance of the training.

The Commission opted not to attend the Academy this year.

Commissioner Murphy expressed interest in attending the October American Planning Association Conference and stated that she would like to see the staff go to training if the budget is not being used for the Academy. Staff thanked the Commission and responded that there is separate budget designated for staff training.

Commissioner Benson requested to see other training options, such as training on CALGreen, online programs and current legal items. Staff will forward conferences/training on relevant topics to the Commission for consideration in the future.

CONSENT CALENDAR

It was moved by Commissioner Benson and seconded by Commissioner Richárd to receive and file Consent Calendar Item Nos. 4 to 7.

The motion carried 5/0.

COMMISSION NEW BUSINESS

Commissioner Murphy asked if the curb stops in the Costco parking lots are new. Staff responded that they were installed based on the feedback received regarding near misses when cars are backing out of the parking spaces. Commissioner Murphy also commented on the improvement of the ATM access.

Commissioner Richárd advised that she will not be attending the February 16, 2016 Planning Commission meeting.

Vice-Chair Austin requested an update on replacement of Fresh & Easy. Staff responded that Signal Hill Petroleum (SHP) has control over the lease.

The Commission and staff joined in a conversation about the preliminary development opportunities on several SHP-owned sites.

Commissioner Benson asked if awarding a Beautification Award to Aircraft Hardware West in Long Beach is within the rules of the Beautification Award nomination process. Staff will look into the rules and provide an update in the next meeting.

Commissioner Benson commented on the Porter Ranch gas leak and requested SHP conduct an outreach effort, such as an article on the SHP website and flyers to the Signal Hill community, to assure the residents and businesses that the oil wells are well-maintained and the slim likeness that a gas leak will happen in Signal Hill. Staff responded that SHP's CUP annual review is coming up and this will be included in the discussion.

Commissioner Benson inquired if a "master calendar" can be formed to include events from the City, the Rotary, the Police Department, the Chamber, etc. Commissioner Benson commented this will help to avoid schedule conflict.

Staff provided details on the January 27, 2016 Homeless Count event. Staff encouraged the Commission to show up and greet the volunteers, but stated that being on call is also an option. Vice-Chair Austin and Commissioner Richárd signed up to be on call. Vice-Chair Austin commented on the positives of seeing new faces at Signal Hill events.

Vice-Chair Austin inquired whether the Needs Assessment meeting for the parks is hosted by Signal Hill. Staff responded that this is a joint meeting by the Parks and Recreation Commission and the Los Angeles County.

ADJOURNMENT

It was moved by Vice-Chair Austin and seconded by Commissioner Richárd to adjourn to the next regular meeting of the Planning Commission to be held on Tuesday, February 16, 2016, at 7:00 p.m., in the Council Chamber of City Hall, 2175 Cherry Avenue, Signal Hill, CA, 90755.

The motion carried 5/0.

Chair Fallon adjourned the meeting at 8:09 p.m.

Jane Fallon
Chair

Attest:

Scott Charney
Commission Secretary

February 6



CITY OF SIGNAL HILL

2175 Cherry Avenue ♦ Signal Hill, CA 90755-3799

February 16, 2016

AGENDA ITEM

**TO: HONORABLE CHAIR
AND MEMBERS OF THE PLANNING COMMISSION**

**FROM: COLLEEN DOAN
SENIOR PLANNER**

SUBJECT: CITY COUNCIL FOLLOW-UP

Summary:

Below for your review is a brief summary on the City Council's actions from the previous month.

Recommendation:

Receive and file.

Background and Analysis:

- 1) At the January 26, 2016 City Council meeting the City Council approved the seconding reading of Zoning Ordinance Amendment 15-03 and Ordinance Amendment 15-06 related to medical marijuana dispensaries and cultivation by a vote of 5/0. The Ordinances will become effective on February 25, 2016.
- 2) At the February 9, 2016 City Council meeting, there were no Community Development Department items.

Approved by:

Scott Charney

February 7



CITY OF SIGNAL HILL

2175 Cherry Avenue ♦ Signal Hill, CA 90755-3799

February 16, 2016

AGENDA ITEM

**TO: HONORABLE CHAIR
AND MEMBERS OF THE PLANNING COMMISSION**

**FROM: SCOTT CHARNEY
COMMUNITY DEVELOPMENT DIRECTOR**

SUBJECT: DEVELOPMENT STATUS REPORT

Summary:

Attached for your review is the monthly Development Status Report which highlights current projects.

Recommendation:

Receive and file.

**City of Signal Hill
Community Development Department
Development Status Report
February 16, 2016**

Commercial-Industrial

<u>Address</u>	<u>Project Description</u>	<u>Application</u>	REVIEW			SPDR/CUP			CTL			<u>Status</u>
			<u>Director approval</u>	<u>PC approval</u>	<u>CC approval</u>	<u>Expires</u>	<u>1st Ext.</u>	<u>2nd Ext.</u>	<u>Expires</u>	<u>1st Ext.</u>	<u>2nd Ext.</u>	
1798 E Willow St.	Tenant improvements to replace existing restaurant with a new restaurant GD Bro Burger Applicant: GD Bro Burger	Administrative Review	✓	N/A	N/A	Building permit issued 06/17/15			N/A			Obtained permit, working on interior TI (12/15). Final inspection is pending (2/16). JH
2653 Walnut Ave. 2H Construction	An approximate 8,000 sf warehouse/office building Applicant: 2H Construction	Administrative Review	✓	N/A	N/A	Building permit issued 04/13/11			Prior to CTL			Exterior complete. Working on Public Works conditions of approval (4/15). Building permit issued for TI on 10/29/15. TI work has begun (12/15). Underground plumbing is complete (1/16). Steel work interior is ongoing (2/16). JH
2701 Cherry Avenue	ADA parking lot improvements Applicant: Best Buy	Administrative Review	✓	N/A	N/A	Building permit issued 06/01/15			N/A			Sidewalk and curb completed (7/15). Awaiting request for final inspection (12/15). Contractor notified to schedule for final inspection (2/16). JH

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1460 E. 28 th	Tenant improvement for a commercial kitchen for pickling business Applicant: Proper's Pickle	Administrative Review	✓	N/A	N/A	In process						1 st plan check comments returned to applicant on 11/5/15. Building permit ready for issuance pending Industrial Waste Permit (2/16). JH/SA
1851 E. Willow Avenue	Tenant improvement for new trash enclosure Applicant: Willow LLC Owner: TCN	Administrative Review	✓	N/A	N/A	Building permit issued 12/17/15			N/A			Work is complete and permit has been finalized (2/16). JH/CTD
3280 Industry Drive	Tenant Improvement for rehearsal studio Owner: Courtney Dubar	Administrative Review	✓	N/A	N/A	Building permit issued 12/11/15			N/A			Permit issued after work had begun. Progress continues (2/16). JH/CTD
3355 Olive Avenue	Proposal for new 6,290 sf building: 3,991 sf warehouse and 2,299 sf office building Applicant: Roger Vititow	Administrative Review 15-05	✓	N/A	N/A	Building permit issued 12/30/15			6/22/17			Grading permit issued and in process. Storm water system installed (11/15). Building permit issued 12/30/15. Construction started 1/12/16. JH/SA

**City of Signal Hill
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Development Status Report
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2355 Walnut Avenue	Proposal for new 10,000 sf warehouse and office building. Applicant: Roger Vititow	Administrative Review	Required	N/A	N/A	Required						Preliminary plans submitted for planning and building review (1/16). SA
3201-3225 Pacific Coast Highway	Tentative Parcel Map to subdivide an existing 1.8-acre lot into two lots Applicant: William Suh	71592, extension granted	N/A	11/08/11	N/A	11/8/13	11/8/14	11/8/15	N/A			3 rd ext granted per State law. TPM valid until 11/8/15. State has continued automatic extensions under the economic hardship policy. A storage room was constructed without a permit. Permit issued (1/16). Storage room finaled (2/16). CTD
2200 E. Willow St.	Amendment to CUP 13-01 to extend the gas station hours of operation from 5 am to 10 pm seven days a week Applicant: Costco Wholesale	Amendment to CUP	N/A	7/15/15	Required							Community meeting held (2/15). Planning Commission public hearing on 7/14/15. Applicant is working with staff to create a plan to address on-site circulation issues (12/15). Building permit issued for refrigeration unit 12/15/15. SA

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Community Development Department
Development Status Report
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845 E. Willow St.	A 18,994 sf medical/office building	SPDR 13-02	N/A	07/09/13	N/A	Building permit issued for TI 11/4/15			4/27/17			Conformity Report went to the Planning Commission on 12/09/14. Ext of building complete. Awaiting paperwork per Conditions of Approval (8/15). Building permit issued for Kaiser Permanente TI 11/04/15. TI work has begun (12/15). Plumbing, electrical, framing and drywall in process (2/16). JH
2H Construction	Applicant: 2H Construction											
2953 Obispo Ave.	A request to allow indoor soccer as a conditionally permitted use in the City.	ZOA CUP	N/A	Required	Required							Deposit submitted to begin coordination of workshops w/HOAs (7/14). Applicant has requested to temporarily postpone request (12/14). Applicant intends to proceed w/ CUP request but no application has been submitted to date. Staff has requested a submittal schedule (1/16). CTD
Futsal Indoor Soccer	Applicant: Mike Biddle											

**City of Signal Hill
Community Development Department
Development Status Report
February 16, 2016**

Commercial-Industrial

Business Licenses and Permit Summary

- Planning Department staff reviewed and approved 13 business licenses.
- Building Department staff issued 25 permits including 4 residential solar permits. The valuation of the projects is approximately \$152,079 with permit revenues at \$4,042.

Training/Forums

- Senior Planner attended the Primer on Wireless Shot Clocks Seminar – AB 57 and Section 6409(a).

Current Projects

- Medical Marijuana Mobile Dispensary and Cultivation Ordinances were introduced at the City Council on 1/12/16 and second reading of the ordinances was held on 1/26/16.
- 2016 Greater Los Angeles Homeless Count event (completed on Jan. 27, 2016).
- General Plan Annual Review.
- Annual Conditional Use Permit and Institutions Review.

Ongoing / Upcoming Projects

- Vacant Parcel Ordinance.
- Oil Well Inspections.
- Dog Park Zoning Ordinance Amendment and General Plan Amendment (expected to PC on March 15, 2016).
- Mayor's Clean-Up event (March 12, 2016).

**City of Signal Hill
Community Development Department
Development Status Report
February 16, 2016**

Wireless Communication Facilities

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2411 Skyline Dr.	<p>A request to add 2 new Tower Dishes and 3 Antennas, to the Cell Tower as allowed by CUP 99-05 (Cal. Internet)</p> <p>A request to add structural modifications was reviewed by City consultants and approval is pending payment of the developer deposit and an estimate of the structural to equipment capacity for the CUP allowed equipment additions (Crown Castle)</p> <p>A request to add 10 Micro Wave dishes is incomplete pending, an updated equipment audit and compliance with the Master Operating Agreement (MOP) with Long Beach.</p> <p>Applicant: Crown Castle</p>	Administrative to add equipment allowed under CUP 99-05	✓	N/A	N/A	Building permit issued 2/5/16						<p>Updated equipment/tenant audit was received.</p> <p>Plans approved for Cal Internet additional equipment as allowed under the CUP. A request to add tower shoring is pending and will require an amendment to the CUP (1/16).</p> <p>Building permit issued for Cal. Internet additional equipment on 2/5/16.</p> <p>CTD/JH</p>

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Community Development Department
Development Status Report
February 16, 2016**

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1855 Coronado rooftop facility	Replacing 56" panel with 72" panel antennas, screen box in sector A & B will be increased by 3'	Administrative to modify CUP 08-03	✓	N/A	N/A	Permit ready for issuance						Plans ready for permit issuance (4/15). Reminder sent to applicant (9/15). Reminder notice sent to applicant (1/16). SA
3275 E. Grant Street	3 new antennas, 3 new RRH units.	Administrative to modify CUP 10-04	✓	N/A	N/A	Permit ready for issuance						Plans ready for permit issuance (7/15). Reminder notice sent to applicant (1/16). SA
2525 Cherry Avenue	Removing and replacing the 3 existing antennas	Administrative to modify CUP 02-01	✓	N/A	N/A							Plans approved on 1/26/16 and is ready for permit issuance (2/16). SA
2550 Orange Avenue	3 new RRHs on monopalm	Administrative to modify CUP 04-02	✓	N/A	N/A							Plans approved on 1/26/16 and is ready for permit issuance (2/16). SA

**City of Signal Hill
Community Development Department
Development Status Report
February 16, 2016**

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3200 Willow Street	Replacement of 6 existing panels with 6 new 8' panels and new fiber box Applicant: PlanCom for Verizon	Administrative to modify 95-02	✓	N/A	N/A							Plans approved on 1/27/16 and is ready for permit issuance (2/16). SA
2633 Cherry Avenue	Rooftop Wireless Telecommunication Facility for AT&T Applicant: Core Dev. for AT&T	CUP	N/A	Required	Required							Application is in process to be closed (2/16). SA

Residential

1


**City of Signal Hill
Community Development Department
Development Status Report
February 16, 2016**

Residential

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2477 Gaviota Ave.	Rehabilitation of the existing single-family dwelling and a new 2-car garage Applicant: Rama Singhal	Administrative Review (SPDR 15-03)	✓	N/A	N/A	Building Permit Issued 7/15/15			7/15/16			Demolition for the rehabilitation has started (8/15). Framing for new garage completed (9/15). Foundation repair completed (11/15). Framing is ongoing (2/16). SA/JH
2518 Willow St.	New front entry electronic gate w/stone veneer pilasters, update guard shack Applicant: Willow Ridge Homeowners Association	Administrative Review	✓	N/A	N/A	Permit Ready for Issuance						Plans are ready for permit issuance (8/15). 3 rd reminder sent to applicant (12/15). JH/SA
2451 Avis Court	200 sf addition of one bedroom and bathroom Applicant: M/M Lopez	Administrative Review	✓	N/A	N/A	Building Permit Issued 10/5/15			4/2/16 			Building permit issued (10/15). Foundation and methane barrier completed (11/15). Framing, sheath and sheer wall completed (12/15). Lath inspection completed (1/16). SA/JH


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February 16, 2016**

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2311 Ocean View	Add/expand second story decks and "trainhouse" in side and rear yard of existing single-family home Applicant: M/M Hughes	SPDR 08-05	N/A	07/14/09	N/A	Building Permit Issued 8/16/13			8/11/14	9/30/14	3/03/15 	The first extension granted by Director until 9/30/14. A second extension granted until 3/03/15. The project is an active Code Enforcement case (7/15). Deck finish and electrical are in process (1/16). SA/JH
924 E Vernon St.	Demolition of existing dwelling and detached garage for construction of a new two story 3,230 sf duplex and 4-car garage Applicant: LLG Construction	SPDR 14-02	N/A	6/10/14	N/A	Building Permit Issued 11/06/15			4/29/17			Building permit issued for demolition and new duplex 11/06/15. Demolition completed (12/15). Rebar and rough plumbing in process. Framing is ongoing (2/16). SA/JH

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Development Status Report
February 16, 2016**

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3347 Brayton Ave.	Remodel of the front SFD to include a 271 sf addition and new 1-car garage on the first floor and a 731 sf second story addition Applicant: Reginald McNulty	SPDR 15-02	N/A	4/14/15	N/A	4/14/16 						Site Plan & Design Review valid until 4/14/16. Building plan check submitted on 1/19/16. Plan check comments returned to applicant on 2/4/16. SA
1995 St. Louis Ave.	Demolish existing dwelling and garage and construct a two story 3,187 sf SFD with attached 3-car garage Applicant: Seth Sor for Kimberly and Phat Ly	SPDR 15-04	N/A	8/11/15	N/A	8/12/16						Building plans are approved. Issuance pending completing all COAs (1/16). Met with applicant to discuss the demolition and methane assessment work plan (1/16). Applicant is working on submitting landscape plans for plan check (2/16). SA/JH

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Development Status Report
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2260 Walnut Ave.	A proposal for a new two story 1,894 sf SFD with attached 2-car garage on a vacant lot Applicant: Santana Investors	SPDR	N/A	Required	N/A							Leak test passed, vent cone was not installed (2/15). Well survey and access exhibit approved (9/15). Applicant is having the story pole plans prepared for staff review and a Planning Commission workshop (1/16). CTD
2085 Freeman Ave.	A proposal for a new two story 4,050 sf SFD with attached 3-car garage on a vacant lot and alley vacation Applicant: RPP Architects	SPDR 16-01	N/A	Approved 1/19/16	N/A	1/20/17						SPDR approved 1/19/16. Alley vacation tentatively scheduled for Feb/March CC. SA

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Large Subdivisions (5 or more lots) and Multi-family Developments

Crescent Square	25 three-story detached single-family dwellings at the N/E corner of Walnut and Crescent Heights Street	SPDR 14-04 ZOA 14-03 VTTM 72594	N/A	8/12/14	9/2/14 (Map 9/2/16)	9/2/15	3/3/16 					SPDR approved on 8/12/14. SPDR extended to 3/3/16. Grading plan has been submitted for plan check (3/15). WAR for 8 wells approved by the Oil Services Coordinator (8/15). Property sold to SummerHill Homes (11/15). CC&Rs have been submitted (1/16). Revisions recommended by the City Attorney 2 nd SPDR extension scheduled for 2/16/16 PC meeting. Finance Map tentatively scheduled for 3/15/16. SC/SA
Walnut/ Crescent Heights St.	Applicant: SummerHill Homes											

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Gundry Hill 1500 E Hill St.	72 multiple-family, affordable units, three and four stories in height and a community building, community garden, tot lot and courtyard with on-site management Applicant: Meta Housing	Administrative Review (SPDR 15-01)	Approved 2/18/15	N/A	N/A	Building Permit Issued 11/30/15			11/09/19			Demolition completed on 10/21/15. Building permit issued on 11/30/15. Escrow closed 12/4/15. On-site grading started (1/16). Foundations work has begun (2/16) JH
2599 Pacific Coast Highway	Residential SP-10 1 st concept plan had 14 attached units 2 nd concept plan had 12 attached units 3 rd concept plan had 10 detached units 4 th concept plan has 9 units Applicant: Mike Afiuny	Preliminary review PC Workshop 8/14/12 PC Workshop 9/9/14 SPDR	N/A	Required	Required							Staff met w/owner who reported unsuccessful lot consolidation out-reach effort (9/12). Revised design (10 detached units) more closely met the intent of SP-10. Access and guest parking revised (6/14). Commission requested design changes. Applicant's revised conceptual plans (9 units) were previewed and met most of the development standards. Some buildings still exceed height limit and view policy outreach is pending. Application for a ZOA and SPDR are incomplete pending condominium map submittal (1/16). CTD

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Community Development Department
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1939 Temple Avenue	Residential development for 10 condominium units (5 buildings with 2 attached units) two stories with a roof deck and three stories in height. A Specific Plan would be required to deviate from current RH zoning for 3-stories height and a reduced front setback. Applicant: High Rhodes Property Group	SPDR and ZOA for a Specific Plan	N/A	Required	Required							2 wells discovered, leak tests passed and vent cones installed (8/15). View Notice was sent to property owners and residents within 500' on 10/26/15. Planning Commission workshop #1 on 12/15/15. Applicant met with nearby residents to collect comments for consideration for revised plans (1/16). Staff met with applicant on 2/1/16 to review changes the plans. The applicant will revise plans and then discuss with the neighbors (2/16). SA

February **8**



CITY OF SIGNAL HILL

2175 Cherry Avenue ♦ Signal Hill, CA 90755-3799

February 16, 2016

AGENDA ITEM

**TO: HONORABLE CHAIR
AND MEMBERS OF THE PLANNING COMMISSION**

**FROM: SCOTT CHARNEY
COMMUNITY DEVELOPMENT DIRECTOR**

SUBJECT: IN THE NEWS

Summary:

Articles compiled by staff that may be of interest to the Commission include:

- Fixing the Methane Leaks That Deflate Natural-Gas Gains – The Aliso Canyon disaster does as much climate damage daily as four coal-fired power plants
- The Legal Standard for Stating Reasons for Decisions
- Temporary Directional Signs Lead U.S. Supreme Court to the Strictest First Amendment Scrutiny (*the City Attorney has reviewed the City Sign Ordinance for compliance and recommended amendments are pending*)
- Drones: A Growing Hazard in the Absence of Tighter Regulations
- Local Solar – What do leading solar communities have in common? It may not be what you expect
- An Eye on Every Drop – Don't Let the Desert Fool You: Phoenix is far ahead of the curve when it comes to water conservation

Recommendation:

Receive and file.

Fixing the Methane Leaks That Deflate Natural-Gas Gains

The Aliso Canyon disaster does as much climate damage daily as four coal-fired power plants.



Crews work on a relief well at the Aliso Canyon natural-gas storage facility above the Porter Ranch area of Los Angeles, Dec. 9, 2015. *PHOTO: ASSOCIATED PRESS*

By

Fred Krupp

Feb. 3, 2016 6:24 p.m. ET

Porter Ranch is the placid Los Angeles neighborhood where Elliott and E.T. rode their flying bike in Steven Spielberg's blockbuster movie. Since October, however, what's been rising into the air above these quiet streets is methane. One hundred thousand tons have leaked from the nearby Aliso Canyon natural-gas storage facility—some 45,000 pounds an hour right now with no end in sight. It may be the worst environmental disaster in the U.S. since the Deepwater Horizon oil spill in the Gulf of Mexico in 2010.

One difference is that Aliso Canyon hasn't caused any loss of life. The Deepwater Horizon rig exploded, killing 11; the California gas well has not, though concerns about combustion have hampered efforts to plug the leak and led officials to declare a no-fly zone above it. More than 2,000 families were evacuated from the neighborhood after residents experienced headaches, vomiting and bloody noses, and the Los Angeles district attorney on Tuesday filed criminal charges against the facility's owner, Southern California Gas. But whereas the Gulf oil spill was on television around the clock, this spill is invisible to the naked eye (but can be [seen](#) with special infrared cameras).

Aliso Canyon deserves national attention, not least because uncontrolled emissions of methane—a greenhouse gas 84 times more potent than carbon dioxide over a frame of 20 years—are endemic

throughout the oil and gas industry. What's happening now in California, a massive leak resulting from well failure, is only an extreme example.

The Environmental Defense Fund, which I lead, has worked with over 100 partners in industry and academia on the most comprehensive peer-reviewed [studies](#) ever conducted on methane emissions. What we found is that methane leaks happen all across the oil and gas system—at production sites and processing plants, in pipelines and storage facilities. And though natural gas releases half as much carbon as coal when burned, these leaks erode much of that advantage. The methane now being released from Aliso Canyon each day causes as much climate damage as the daily emissions from four coal-fired power plants.

Other leaks across the country may be smaller individually, but they add up to an estimated eight million tons of annual methane emissions. Those annual emissions will have the very same climate impact as the annual emissions from 160 coal plants during the next two decades.

Yet even with Aliso Canyon gushing methane as you read this, many in the industry are fighting rules that would reduce leaks. They call for a “voluntary” approach that simply won't fix the problem—or shore up public trust. Only rules that apply to all operators will work, and they can do it at low cost.

Recent studies in the [U.S.](#), [Canada](#) and [Mexico](#) by [ICF International](#) [ICFI 0.00 %](#) indicate that existing technology can cut methane leaks by between 40% and 54% at an average cost of a penny per thousand cubic feet of gas produced—about one-half of 1% of today's price for that much gas. Stopping at least 45% of leakage globally would help the climate over the next 20 years as much as shutting down one-third of the world's coal-fired power plants.

State leadership is crucial. In Colorado, new standards require companies to take simple steps, such as equipment and procedures to detect and fix leaks, that will prevent the release of over 100,000 tons of methane and 90,000 tons of volatile organic compounds each year. That's the same effect as taking all of Colorado's cars and trucks off the road, year after year. When the rules were put in place, in 2014, some warned that they would wreak economic havoc. Those worries were misplaced. For example, one company operating in the Denver-Julesburg Basin, [Noble Energy](#), [NBL -1.77 %](#) said in 2015 it spent about \$3 million on [compliance](#), out of a capital expenditure that year of about \$1 billion.

But a national problem needs a national solution. The federal government could require systematic leak detection and repair at facilities like Aliso Canyon, but so far it hasn't taken that step. The Environmental Protection Agency has [proposed](#) methane emission standards for new or heavily modified facilities, but the plan does nothing to curb emissions from existing wells and infrastructure that are the source of the problem today. The federal Transportation Department, which has jurisdiction over some facilities, is only now beginning to act.

As policy makers, industry leaders and environmentalists move to address this crisis, they should examine the facts on the ground. The oil and gas industry needs to recognize that this national methane problem cannot be solved through voluntary half-measures. And those who call for an immediate transition to renewable energy should realize that scaling renewables will take years. There is much to be done in the meantime to make natural-gas supply and delivery safer.

Mr. Krupp is president of the Environmental Defense Fund.

The Legal Standard for Stating Reasons for Decisions

LAW

THE FEDERAL TELECOMMUNICATIONS ACT OF 1996 WAS DESIGNED to strike a balance between two competing goals: (1) to facilitate the growth of new telecommunications technology, primarily wireless/cellular telephone service, and (2) to maintain substantial local control over siting cellular towers. Thus, the TCA retained local zoning authority for cellular towers and associated facilities, but imposed several substantive and procedural requirements in order to prevent local zoning authorities from imposing arbitrary restrictions and engaging in capricious decision making.

One of those requirements provides that any decision “to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record.” In *T-Mobile South, LLC v. City of Roswell, Georgia*, the Supreme Court in 2015 clarified what was required to meet two procedural aspects of this requirement. The Court held that while “localities must provide or make available their reasons . . . those reasons need not appear in the written denial letter or notice provided by the locality. Instead, the locality’s reasons may appear in some other written record so long as the reasons are sufficiently clear and are provided or made accessible to the applicant essentially contemporaneously with the written denial letter or notice.”

City of Roswell resolved a split among the federal Circuit Courts of Appeal as to what was required to meet the “in writing” requirement. Prior to *City of Roswell*, the majority of circuit courts that had addressed the issue required that a locality provide the reasons for denying an application in the same “writing” that informed the applicant of the denial. Rejecting the majority view, the Supreme Court in *City of Roswell* agreed with two circuit courts that had read the “in writing” requirement more broadly so as to accept any written document, provided it stated the reasons for the denial. While the Court noted that no particular format for the written reasons must be followed, and localities may rely on detailed meeting minutes to supply the reasons, it also highlighted the practical benefits of issuing a separate statement of reasons rather than relying on a voluminous record. The Court stressed, however, “these reasons need not be elaborate or even sophisticated, but rather . . . simply clear enough to enable judicial review.”

The Court also ruled that because an applicant has only 30 days after denial to seek judicial review under the Act, the locality must issue its reasons “at essentially the same time as it communicates its denial” so as to not impair either the applicant’s decision to file suit or the court’s subsequent review. The Court wrote, “This rule ought not to unduly burden localities given the range of ways in which localities can provide their reasons.”

Applying these rules to the case at hand, the Court found that while the city had complied with the “in writing” requirement by providing its reasons for denial in the form of detailed minutes of a city council meeting, it had failed to meet the “essentially the same time” requirement when it provided the reasons for its denial 26 days after denying the application. The Court did not decide, however, what an appropriate remedy would be for violating this requirement or whether the principle of harmless error would apply, leaving those questions to be decided by the Eleventh Circuit on remand. In the nine months after the Court’s ruling in *City of Roswell*, a number of lower federal court decisions addressed one or more of the issues for which the Court did not supply clear guidance: the “essentially contemporaneous with” and “in writing” requirements as well as whether a failure to meet those requirements should be considered to be “harmless error” that would not require a court to fashion a remedy.

The Court provided little guidance on what would satisfy the “essentially contemporaneous with” requirement, other than to find that a 26-day delay failed to meet that re-



The federal Telecommunications Act of 1996 that facilitates the growth of wireless/cellular telephone service was the basis for the court case regarding decisions.

quirement in light of the 30-day deadline for a denied applicant to file an appeal. To date, only three lower courts have addressed the issue, ruling that delays in issuing a decision “in writing” of two days and of six days met the Court’s “essentially contemporaneous” requirement, while a delay of 24 days was found not to meet that requirement. Obviously, the best approach to ensure meeting this requirement is to recognize that less (delay) is more (protection) if you’re challenged, and to adopt procedures to ensure that a decision “in writing” is provided to the applicant within the shortest possible time after the decision is made.

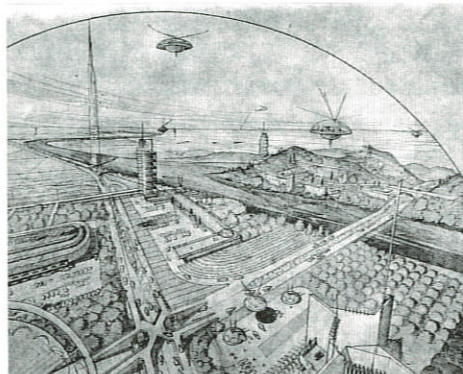
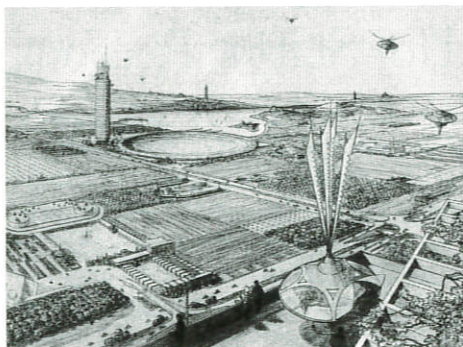
There have been more lower court decisions on what is needed to meet the “in writing” requirement, but many of these decisions simply found that local government failed to meet the requirement because it failed to supply the reasons for its decision as the TCA requires. When government has supplied the reasons for its decision, courts to date have been fairly liberal in deciding whether the “in writing” requirement was met. Not surprisingly, a court found that “detailed meeting

minutes” met the requirement, but another court, citing the underlying purpose of the requirement, found that a DVD recording met the “in writing” requirement despite the fact that there was no “writing.” Another court found that filing the written decision in the county record book and zoning department files where it was available for public review met the requirement. It is important to note, however, that these liberal interpretations of the “in writing” requirement are coming from federal district courts and it would certainly be wise to exercise caution about following such rulings until they have been upheld at the Court of Appeals level. As with the “contemporaneous” requirement, it does not take much effort to ensure that you provide applicants with a “writing” that explains the reasons for your permitting decision.

Finally, while the TCA provides clear instruction for judicial review of local decisions, it is silent as to the appropriate remedy when a court finds a local decision to be in error. Many courts, however, have ruled that injunctive relief—i.e., ordering local government to issue a permit—is appropriate when government has improperly denied a permit. Two lower court rulings have addressed this issue in the context of failures to satisfy the “in writing” or “contemporaneously” requirement. In one case, after finding that government had not provided its decision “in writing” at the same time as it denied the permit, the court ruled that failure was mere harmless error because the applicant had fully participated in the decision-making process, was well aware of the reasons for the denial, and thus was not prejudiced by the delay in receiving a copy of the minutes. But in the other ruling, where the failure to meet the “in writing” requirement was due to the government not providing the reasons for the denial, the court found that failure was not harmless error and ordered that government issue the permit.

—Alan Weinstein

Weinstein has a joint appointment as professor of Law & Urban Studies at Cleveland State University's College of Law and College of Urban Affairs.



Frank Lloyd Wright's sketches from his plan for Broadacre City.

HISTORY

THE ARCHITECTURAL PLANNER

Daniel Burnham, Le Corbusier, Pierre Charles L'Enfant, and Edmund Bacon are the familiar names of some of

the most famous planners. They are also the names of some of the world's most famous architects. The history of urban planning in American cities is intertwined with the history of American architecture. While the first academic programs in urban planning were developed in the 1920s and '30s at Harvard and MIT, many students, including Bacon and Ian McHarg, still chose to pursue degrees in architecture and design instead. In fact, some of the most prominent plans, like the plans for Chicago and Washington D.C., were created by architects. Even Frank Lloyd Wright, who is famous for his designs of single-family homes, dabbled in planning. His futurist plan for Broadacre City, detailed in his 1958 book, *The Living City*, envisioned a suburban oasis dominated by cars and personal helicopters. It is important to understand the profession of planning is relatively young compared to the related fields of architecture and engineering. More than 90 years after the first planning program opened its doors at Harvard, planners still come from a variety of educational backgrounds.

—Ben Leitschuh

Leitschuh is APA's education associate.

RESOURCE FINDER

Using data to inform planning decisions is essential, but can be an overwhelming task. While there are lots of potential sources for data, where do you start?

APA RESOURCE

Data-Driven: Leveraging the potential of big data for planning

Mary Hammon
Planning, April 2015

WEB RESOURCES

Big data, smart cities and city planning

Dialogues in Human Geography 3(3) 274–279
Michael Batt
complexcity.info/files/2013/12/BATTY-DHG-2013.pdf

Proceedings from the 2014 Workshops on Big Data and Urban Informatics, University of Illinois at Chicago

urbanbigdata.uic.edu/proceedings

U.S. government open data

data.gov

U.S. Census Bureau: demographics

census.gov

U.S. Bureau of Labor Statistics: labor market activity

bls.gov

U.S. Bureau of Economic Analysis: economic activity

bea.gov

U.S. Department of Housing and Urban Development: housing

hud.gov

Federal Reserve Bank of St. Louis: economic activity data

research.stlouisfed.org

Brookings Institution, Metropolitan Policy Program, Interactive Features: visualizations of economic development indicators in the U.S.

brookings.edu/about/programs/metro/interactive-features
Lincoln Institute of Land Policy Resources and Tools: a range of urban planning and policy data and tools, including historical census data not available online through U.S. Census Bureau.
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—Ben Leitschuh



Temporary Directional Signs Lead U.S. Strictest First Amend

by Margaret Rosequist

The U.S. Supreme Court issued its much anticipated opinion in *Reed v. Town of Gilbert* on June 18, 2015, finding that the sign regulations in Gilbert, Arizona, violated the First Amendment. Although *Reed* considered only – and found unconstitutional – distinctions the town made under its sign ordinance between different types of noncommercial signs, the ruling's impact is potentially far-reaching for California cities, because the court articulated an unforgiving standard for assessing the content neutrality of any restrictions under a city's sign ordinance that impact speech rights.

Margaret Rosequist is an attorney with the law firm of Meyers Nave and can be reached at mrosequist@meyersnave.com.

Supreme Court to the Government Scrutiny

Background on Reed

The *Reed* plaintiffs, a pastor and his small “homeless” church, had placed temporary directional signs throughout the Town of Gilbert directing people to the church’s weekly meetings, which were held in different locations because the church lacked a permanent location. The town cited the plaintiffs for, among other things, posting their signs in violation of the timing limits allowed under the town’s sign ordinance.

The plaintiffs filed a lawsuit against the town, alleging that the regulations violated their First Amendment rights because other noncommercial signs with

political or ideological messages were allowed to be posted for a longer duration and had different size limitations under the ordinance. The town contended that the ordinance did not violate the First Amendment because it was “content neutral” — it did not favor particular ideas or messages over others and served the town’s important interests in regulating safety and aesthetics.

The Ninth Circuit Court of Appeals upheld the validity of the town’s distinctions between the different types of noncommercial speech under the ordinance, but the U.S. Supreme Court unanimously reversed. The Supreme

Court held that the distinctions in the ordinance were not content neutral and therefore violated the First Amendment.

continued

About Legal Notes

This column is provided as general information and not as legal advice. The law is constantly evolving, and attorneys can and do disagree about what the law requires. Local agencies interested in determining how the law applies in a particular situation should consult their local agency attorneys.

The images shown here are replicas of photos included in the Reed brief, which showed political signage and a directional sign for a local church.

The requirement for content neutrality is not limited to sign regulations.

The *Reed* opinion also set forth a rigid test for assessing content neutrality and mandates that “strict scrutiny” judicial review applies to laws that target speech based on its communicative content. In the wake of *Reed*, cities should review and possibly reconsider the language used in their sign regulations to assess for content neutrality under the strict test articulated by the Supreme Court.

Content-Neutrality Test

The *Reed* court held that the distinctions enacted by the Town of Gilbert in its sign ordinance were content based because the speech in local signs was treated differently based on whether the message was ideological, political or directional. Under *Reed*, “Government regulation of speech is content based if a law applies to particular speech because of the topic discussed or the idea or message expressed.” The Supreme Court found that the Ninth Circuit had incorrectly found the regulations to be content neutral and incorrectly applied a lower “intermediate” standard of judicial review to find the restrictions constitutional. Instead, the high court ruled that because the restrictions were content based, this triggered the higher strict scrutiny standard of review. Regulations reviewed under strict scrutiny are presumed to be invalid, and the court then unsurprisingly found that under this test the town’s restrictions violated the First Amendment.

The court also explained that just because a government agency has a benign or reasonable intent for enactment does not lead to the conclusion that its sign restrictions are content neutral or constitutional. It is not necessary to show discriminatory intent on the part of an agency that enacts a specific regulation. Content-based restrictions on speech are unconstitutional whether or not they are made with a discriminatory motive. The mere fact that a sign ordinance calls out specific types of content for different treatment is likely sufficient to subject the regulation to strict scrutiny review.

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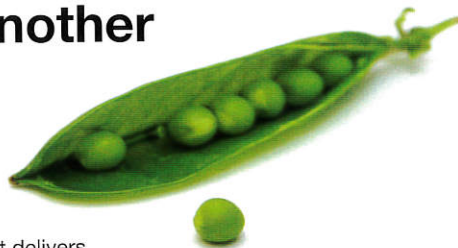
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Restrictions That Will Survive Post-Reed

The majority opinion in *Reed* provides a short list of the types of city sign regulations that will continue to be found legally sound. Specifically, regulations that have nothing to do with a sign's message — such as restrictions regulating size, materials, lighting, moving parts and portability — remain permissible.

The opinion also notes that cities can go a long way toward entirely forbidding the posting of signs on public property as long as they do so in an evenhanded and content-neutral way. In contrast, cities should be wary of banning signage on private residential property, as earlier Supreme Court precedent explains that a restriction closing down an entire medium of speech in one's own front yard is unconstitutional. The *Reed* opinion also finds that content-based distinctions that are supported by a compelling interest in vehicle and pedestrian safety (such as warning signs marking hazards, signs directing traffic or street numbers associated with private houses) may survive strict scrutiny review.

The concurring opinion in *Reed* expanded on the list of content-neutral sign regulations cities can still consider, identifying (among others) rules that:

- Regulate the location of signs;
- Restrict the total number of signs allowed per mile of roadway;
- Distinguish between signs with fixed messages and electronic signs with messages that change; and
- Distinguish between on-premises and off-premises signs.

Looking for Footnotes?

For a fully footnoted version, read this article online at www.westerncity.com.

Reed's Impact on Commercial Speech Regulations

Commentators and the courts have already considered the impact of *Reed* on local commercial speech regulations and, in particular, on the Supreme Court's earlier rulings upholding on-site/off-site and commercial/noncommercial distinctions in billboard regulations.

Given the *Reed* concurrence approving of the on-site/off-site distinction for signs, it appears likely that an on-site/off-site distinction in a city's sign ordinance — with an accompanying exemption for noncommercial signs — will continue to be valid. In fact, the California federal district courts that have considered the issue have found that because *Reed* considered only noncommercial speech, the case does not disrupt the current commercial speech regulatory framework for signs.

California Constitutional Considerations

One issue for California cities, however, is the continuing viability of the on-site/off-site and commercial/noncommercial sign distinctions under a California constitutional analysis. While several federal courts have found on-site/off-site and commercial/noncommercial distinctions to be valid under the California Constitution, a recent state trial court found these

distinctions in the City of Los Angeles' sign ordinance were invalid as content-based distinctions under the California Constitution. The case, *Lamar Central Outdoor, LLC v. City of Los Angeles*, is pending in the California Court of Appeal.

Lamar involves the constitutionality of the city's billboard regulations under the Liberty of Speech clause (the state's counterpart to the First Amendment) in the California Constitution. The Ninth Circuit has repeatedly upheld the city's billboard regulations under federal law, but the trial court found the regulations failed to pass muster under the state's Constitution. Among other items, the trial court found that distinctions between commercial and noncommercial messages and between on-site and off-site signs are content based and do not meet the strict scrutiny standard of review.

The trial court's ruling in *Lamar* is not binding on other cities. The League has filed an *amicus* (friend-of-the-court) brief supporting Los Angeles in the Court of Appeal, arguing that on-site/off-site and commercial/noncommercial sign distinctions in a sign ordinance remain constitutional under the California Constitution as well as under the federal Constitution, and that the intermediate standard of judicial review applies rather than strict scrutiny.

continued



Reed's Impact Beyond Sign Regulations

The requirement for content neutrality is not limited to sign regulations, and some courts have applied the *Reed* test in arenas outside sign ordinances. In particular, the federal Seventh Circuit Court of Appeals reversed its initial ruling upholding restrictions on panhandling in light of the

Reed ruling. The regulation considered in that case prohibited oral requests for an immediate donation of money but allowed oral pleas to send money later. The Seventh Circuit found that under *Reed* the restriction was content based as it applied to particular speech because of the topic discussed or the idea or message expressed.

In contrast, the Ninth Circuit Court of Appeals had noted before the *Reed* decision that regulations prohibiting the immediate hand-to-hand exchange of money (and that do not distinguish between oral or written requests) may be content neutral as such regulations are directed at the conduct (exchange of money) rather than the speech. It is unclear whether such a restriction will stand up to the *Reed* test, and it will remain challenging for California cities to carefully craft solicitation or panhandling restrictions that are deemed by the courts to be directed at conduct alone and not at the topic or the message of the speech.

The ruling's impact is potentially far-reaching for California cities.

Conclusion

Given the Supreme Court's ruling in *Reed*, California cities should ensure that their sign codes comply with the court's strict approach to defining content neutrality. Cities may also want to consider evaluating other restrictions impacting First Amendment rights, such as panhandling or solicitation regulations.

But *Reed* makes clear that cities may continue to regulate signs unrelated to the message itself — such as regulating size and location. Cities may also consider applying an evenhanded ban on signs with very limited content-based exemptions supported by a compelling safety interest, such as signs identifying hazards. Cities may also, with some caution, look to the more expansive list in the *Reed* concurrence as additional types of regulations to consider — including the on-site/off-site distinctions commonly used for billboard regulations. And finally, cities will also want to closely follow the *Lamar* case as the state Court of Appeal considers the validity of the on-site/off-site and commercial/noncommercial distinctions under the California Constitution. ■

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Upcoming Webinar on Sign Regulation

The League will conduct a webinar on Feb. 24, 2016, on sign regulation issues in California cities. To register, visit www.cacities.org/events.



DRONES:

A Growing Hazard in the Absence of Tighter Regulations

by Tim Cromartie

A dramatic increase in the use of recreational and hobby drones in California during 2015 led to numerous instances of drones interfering with fixed-wing firefighting aircraft, as well as police and air ambulance helicopters. The League and the California Police Chiefs Association joined forces in 2015 to co-sponsor a public safety measure, Senate Bill 168 (Gaines-Jackson), that sought to address the hazard posed by unmanned aircraft systems, or drones, operating in flight-restricted airspace during an emergency. The bill would have provided first-responder aircraft operators with immunity in the event they damaged or destroyed a drone that was interfering with their emergency operations. Although Governor Brown vetoed the bill, citing its creation of a new misdemeanor offense that he believed to be unnecessary, the issue is far from dead.

Reports continue of drone interference with first responders and commercial airliners. A California Highway Patrol helicopter avoided a collision with a drone on Dec. 5, 2015, over Highway 4 in Martinez only by taking evasive action. Law enforcement personnel identified the drone operator and referred his case to federal authorities. Had a collision occurred with the helicopter crashing on the highway, there could have been significant loss of life and extensive injuries. This incident offers a prime example of why tighter regulations on the use of recreational drones are urgently needed.

New Regulations Require Registration for Recreational Drones

On Dec. 14, 2015, the Federal Aviation Administration (FAA) announced a new

federal regulation requiring registration of all model aircraft, including recreational drones. The web-based registration process is reportedly user friendly. Under the new federal rule, anyone who operated a drone — also known as an unmanned aircraft system (UAS) — before Dec. 21, 2015, is required to register by Feb. 19, 2016, at www.faa.gov/uas/registration. Owners of any drone or UAS purchased after Dec. 21, 2015, must register before their first outdoor flight. Owners and operators must pay a registration fee of \$5.00. In addition, drones will have to display a unique identifier, which is a registration number issued by the FAA.

These new regulations, while helpful, may not go far enough to adequately address the hazards and potential misuse of drones.

continued

Tim Cromartie is a legislative representative for the League and can be reached at tcromartie@cacities.org. Cory Golden, a legislative analyst for the League, also contributed to this article.

For example, registration is largely voluntary, and for drones purchased after Dec. 21, 2015, registration is not required at the time of purchase or point of sale. Though registration is now required prior to operating a drone, it is unclear how such a requirement will be enforced without a point-of-sale registration requirement or a requirement for online registration with the FAA before an online drone sale can be completed. This raises doubts about the effectiveness of the FAA's response, given the widespread abuse of this technology over the past two years.

Enforcement and Penalties

The Unmanned Aircraft System Registration Task Force, which made a series of recommendations that led to the recent FAA regulations, considered the difficulties posed by enforcement and

the limitations of the FAA and local law enforcement agencies. The FAA's primary enforcement mechanism will be outreach and education, which will likely be web-based (see "What's Required Under Federal Law" on page 20). The FAA may also employ administrative or legal enforcement

action to ensure compliance with the new requirements. Existing federal law already provides civil penalties of up to \$27,500 for failure to register a drone and corresponding criminal penalties including fines of up to \$250,000 under 18 United States Code (U.S.C.) Section 3571 and/or imprisonment up to three years under 49 U.S.C. Section 46306. However, under the new regulations there is no systematic mechanism to alert authorities about who has registered or to identify those who have not.

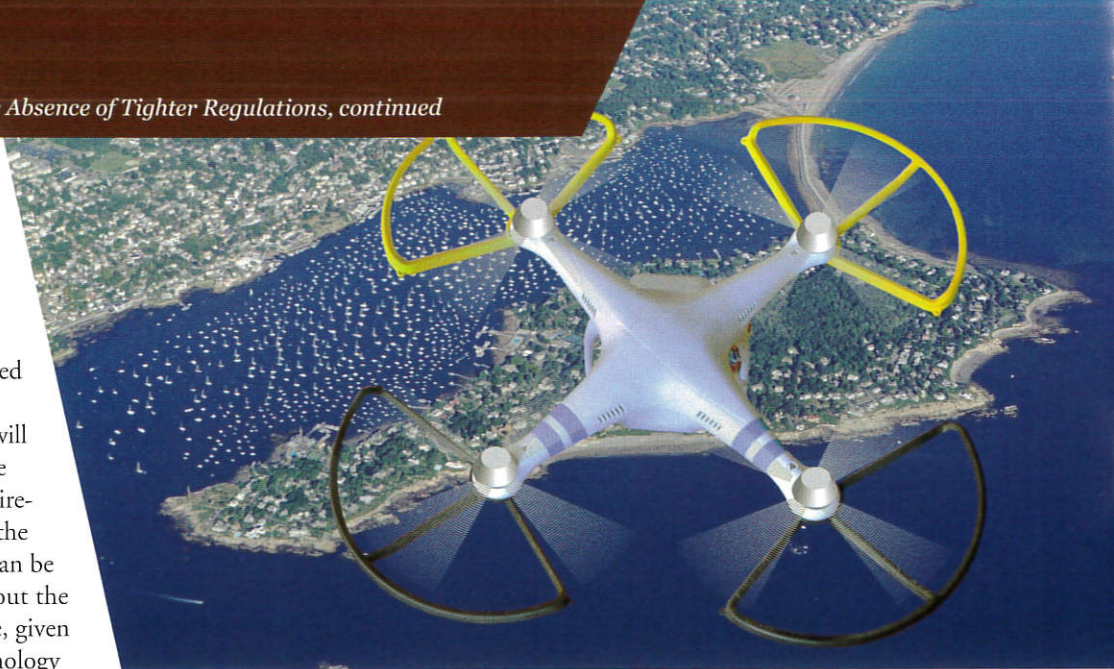
Why Tighter Regulations Are Still Urgently Needed

The Consumer Technology Association, a trade group, estimated that 400,000 drones would be sold in the United States during the 2015 holiday season. Given the many safety hazards drones pose and the current lack of comprehensive regulations and enforcement provisions to make such regulations meaningful, a number of states — including California — may take the initiative and pursue enforcement or other legislation, notwithstanding potential conflicts with federal law.

Background and Challenges

Manufacturers have often resisted legislation that would impose requirements such as placing unique identifiers on individual drones, building in "kill switches" that could incapacitate a drone instantly, or including transponders, which are devices that emit a radio signal used to

continued on page 17



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track location. This resistance has frustrated authorities and limited their ability to hold wayward drone operators accountable. Even if state or federal legislative efforts are mounted to impose stiffer fines or even jail time for drone-related accidents, such efforts may not be meaningful if there is no feasible means of readily identifying drones or linking them with specific operators.

Past federal regulations have contributed to the current problem. Congress in 2012 declined to regulate recreational drones and ruled that the FAA could not require members of the public to register their drones, obtain training or fly drones with identifying features. As a result, the steadily growing use of recreational drones has risen to the level of endangering first-responder aircraft as well as commercial jetliners.

Federal law currently may pre-empt many state regulations in this area, and the FAA considers its body of regulations over UASs as "occupying the field" — that is to say, pre-empting state and local law. Federal regulations specifically addressing recreational drones seem to fall short given the extensive illegal activity. A few general guidelines that pre-date drones were initially issued to regulate model airplanes — these guidelines restrict drones' maximum flight altitude to 400 feet and direct operators to avoid contact with other aircraft, keep the drone in sight and stay at least 5 miles away from commercial airports. Otherwise, federal regulations have not addressed recreational drones at all until very recently.

When it enacted the FAA Reauthorization bill in 2012, Congress decided that recreational drones would be outside the scope of most FAA regulations, which focus primarily on commercially operated unmanned aircraft systems. Another federal law (also enacted prior to the advent of drones) applies to model aircraft generally but also to drones and requires pilot certification if the model aircraft/drone weighs more than 55 pounds.

continued

A collision with even a relatively small drone can bring an aircraft down.



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But the new regulations issued in December 2015 may not adequately address the many instances of less than responsible use of recreational drones. These regulations, which depend on voluntary compliance, may not be a sufficient response to the problem of those intent upon ignoring

the law. To complicate matters, most drone flight education programs are privately sponsored, and manufacturers are not required to include in drone packaging the latest FAA regulations governing the use of recreational drones.

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Multiple Incidents Highlight a Danger to Public Safety

Drones interfered with aircraft attempting to battle wildfires on at least 13 separate occasions in 2015, compared with only four such incidents during 2014, according to the U.S. Forest Service. In many instances, firefighting aircraft had to be grounded for safety reasons due to drones operating in flight-restricted airspace. The result of grounding these aircraft was never more dramatic than in July 2015 at the Cajon Pass in San Bernardino County where a 3,500-acre wildfire destroyed four homes and 20 vehicles as the blaze jumped Interstate 15. A month later, an air ambulance narrowly avoided a collision with a drone in the skies over Fresno.

Some have voiced doubts about whether what are essentially hobby drones pose much of a threat and speculate that authorities may have overreacted in deciding to ground their aircraft for safety reasons. But in an Aug. 11, 2015, CBS news broadcast, California Department of Forestry and Fire Protection helicopter pilot Jason Thrasher underscored the

The New York Police Department investigates an incident involving a drone crashing during a match at the U.S. Open 2015 at the Louis Armstrong Stadium in New York City on Sept. 3, 2015.



danger drones pose to firefighting aircraft, when he made it clear that a collision with even a relatively small drone can bring an aircraft down. "If a drone ... were to go into a tail rotor or a main rotor system, it could have catastrophic consequences," Thrasher said.

A Growing Threat to Commercial Aviation

The federal government has tightened its grip on recreational drone regulation since 2012, but arguably not quickly enough. In June 2014, the FAA banned the use of hobby drones within 5 miles of airports, unless the drone operator has secured permission to fly in that airspace from the airport and its control tower. Despite this regulation, violations near airports continue to occur with increasing frequency.

According to a nationwide study (*Drone Sightings and Close Encounters: An Analysis*, December 2015) conducted by the Center for the Study of the Drone at Bard College, over 90 percent of incidents involving drones and commercial aircraft from Dec. 17, 2013, to Sept. 12, 2015,

occurred above 400 feet, the maximum altitude at which drones are allowed to fly under FAA regulations. The study reported:

- 51 incidents in which a drone was sighted 50 feet or less from an airliner; and
- 28 incidents in which pilots had to take evasive maneuvers to avoid a collision.

Often the drones were large enough to cause significant — possibly catastrophic — damage in the event of a collision; among the 340 drones identified in the

continued

J O B O P P O R T U N I T I E S



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Partner
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CITY MANAGER City of Calexico, California

Annual Salary: \$134,084 – \$162,980

This position is a contract position

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study, 246 were multirotor and 76 were fixed-wing.

Bard's study also included reported incidents at Los Angeles International Airport over a one-year period beginning Dec. 8, 2014. The study found 17 incidents of drone sightings in proximity

to the airport. Eleven of the incidents, or 64 percent, were within the federally prohibited 5-mile radius. Ten of them were above 400 feet, ranging from altitudes of 500 to 4,000 feet.

In June 2015, a Southwest Airlines pilot reported sighting a drone at between

2,000 and 3,000 feet just prior to landing at Oakland International Airport. Such incidents are increasingly common in other parts of the country. *The Denver Post* reported on Sept. 20, 2015, that since June 2015, unauthorized drones have been spotted near Denver International Airport seven times, flying within 500 feet of approaching aircraft at altitudes as high as 3,600 feet, well above the maximum altitude of 400 feet for drones.

J O B O P P O R T U N I T I E S

CITY OF PINOLE

The City of Pinole with a diverse population of 19,000 is located in the beautiful San Francisco Bay Area, on the shores of San Pablo Bay in West Contra Costa County.

The City seeks a new Fire Chief to lead a departmental operation of 15 with an annual operating budget of \$3.3M. Operating from Station 73, the Fire Department responds to approximately 2,200 incident calls annually. Pinole is also one of three fire departments that participate in Battalion 7

FIRE CHIEF

in West Contra Costa County. The importance of organizational relationships is paramount to success in this role and will require a progressive and strategic leadership style that reflects values such as collaboration, team and mutual respect. A focus on mentorship and staff development in expanding career paths, will be a key aspect of succession planning for the department.

The selected candidate will have three or more years of command or supervisory experience in the fire service, and possess a broad knowledge of fire services, fire prevention, and emergency management. A Bachelor's degree from an accredited college or university with major course work in fire science, fire administration, or a closely related field is required. An AA degree and certification as a California Chief Officer or completion of the National Fire Academy Executive Officer program may be substituted for the four-year degree requirement. The salary is up to \$159,000 annually, DOQ. To be considered, please submit (email preferred) a letter of interest, resume, salary history and contact information including email addresses for five work-related references to Paul Kimura by February 12, 2016. A formal job announcement is available at <http://www.averyassoc.net>.



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What's Required Under Federal Law

In an effort to help the public understand what is required of not only recreational drone operators, but also commercial and public agency users of unmanned aircraft systems, the FAA has launched a website containing information on the federal requirements, including the many safety guidelines listed below, at <http://knowbeforeyoufly.org>.

Recreational drone operators are required to observe these safety guidelines:

- Follow community-based safety guidelines, as developed by organizations such as the Academy of Model Aeronautics (AMA);
- Fly no higher than 400 feet and remain below any surrounding obstacles when possible;
- Keep the drone/UAS in eyesight at all times, and use an observer to assist if needed;
- Remain well clear of and do not interfere with manned aircraft operations — see and avoid other aircraft and obstacles at all times;
- Do not intentionally fly over unprotected persons or moving vehicles, and remain at least 25 feet away from individuals and vulnerable property;
- Contact the airport or control tower before flying within 5 miles of an airport;
- Fly no closer than 2 nautical miles from a heliport with a published instrument flight procedure;



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FINANCE DIRECTOR City of Calexico, California

Annual Salary: \$ 107,365- \$ 130,503

This position is a contract position

Under the direction of the City Manager, plan, organize, control and direct the operations, activities, and functions of the Finance Department including utility billing, cash management, payroll, accounts payable, accounts receivable and general ledger; coordinate and direct fiscal recordkeeping, reporting and the development, monitoring, analysis, maintenance, auditing and adjustment of City accounts, funds and budgets; supervise and evaluate the performance of assigned personnel.

Any combination equivalent to: bachelor's degree in accounting, finance, business administration or related field and five years increasingly responsible governmental accounting experience including three years in a supervisory capacity.

APPLY IMMEDIATELY: Open until filled.

Applications are available at the Human Resources Department or can be downloaded from City's website at www.calexico.ca.gov. City of Calexico is an Equal Opportunity Employer.

- Do not fly in adverse weather conditions, such as in high winds or reduced visibility;
- Do not fly under the influence of alcohol or drugs;
- Ensure the operating environment is safe and that the operator is competent and proficient in operating the drone/UAS;
- Do not fly near or over sensitive infrastructure or property, such as power stations, water treatment facilities, correctional facilities, heavily traveled roadways and government facilities;
- Check and follow all local laws and ordinances before flying over private property; and
- Do not conduct surveillance or photograph people in areas where there is an expectation of privacy without the individual's permission (see the AMA's privacy policy).

In addition, operators of commercial and recreational drones/UASs should be aware that in remote, rural and agricultural areas, manned aircraft — including fixed-wing aircraft and helicopters — may be operating very close to ground level. Pilots conducting agricultural, firefighting, law enforcement, emergency medical and wildlife survey operations (and a variety of other services) legally and routinely work in low-level airspace. Operators controlling drones/UASs in these areas should maintain situational awareness, give way to and remain a safe distance from these low-level, manned airplanes and helicopters.

Recent Attempts at Regulation in California

Gov. Jerry Brown's administration has taken a mixed approach in terms of drone policy. The governor signed a bill in October 2015 banning the use of drones to record audio or video of events occurring on private property without the property owner's permission. This legislation is intended in part to provide celebrities some

Tighter regulations on the use of recreational drones are urgently needed.



J O B O P P O R T U N I T I E S

Lake Elsinore is one of the fastest growing Cities in California and the Action Sports Capital of the World! The City, with approximately 58,400 residents, is located in the heart of the I-15 Corridor and bridges all the activity between Los Angeles, Orange County, Riverside, and San Diego. The City is approximately 30% built out, creating a unique opportunity for an innovative, forward-thinking individual to facilitate future growth and infrastructure needs due to active development projects across the City.

Position Requirements: The City is looking for individuals with the equivalent of five years of increasingly responsible experience in public sector management, a Bachelor's degree in Management, Public Administration, Engineering, or related field; and a valid California Civil Engineer certificate.

How to Apply: Applications will be accepted until position is filled. Please visit www.lake-elsinore.org for application details. Questions? Contact Jennifer Perrault at jperrault@lake-elsinore.org or 951-674-3124 x231.



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APPLY BY: Open until filled

APPLY TO: City of Ojai, Attn: Deputy City Manager
401 S. Ventura St., Ojai, CA 93023
(805) 646-5581 x101 or www.ojaicity.org

continued on page 23

protection from paparazzi and protect the general public from illicit, unauthorized surveillance.

But Gov. Brown vetoed a broader measure, SB 142 by Senator Hannah-Beth Jackson (D-Santa Barbara), that would have placed a blanket ban on drones flying over private property without the owner's permission and made such activity trespassing. He vetoed two more bills, both by Senator Ted Gaines (R-El Dorado), that would have made it a criminal infraction to fly over a public school without permission (SB 271) and that would have created misdemeanor penalties for drone flights over prisons or county jails (SB 170). Gov. Brown also vetoed SB 168, which addressed first-responder immunity for damaging or destroying drones. In each case, the governor cited a policy objection to defining new crimes. However, his veto messages did not criticize the attempt to provide additional regulation in this area at the state level, which could encourage the Legislature to try again with a slightly different approach.

A New Approach From Japan: The Anti-Drone

On Dec. 11, 2015, Forbes.com reported that the Tokyo Metropolitan Police Department had recently released a video of a special net-wielding drone it will use

to intercept rogue drones flying over the city. The issue of drones penetrating government security garnered attention in Japan in April 2015, when a drone dropped a small amount of radioactive soil from the Fukushima Prefecture onto the roof of the prime minister's office.

The new police drone has six propellers and a 3-meter by 2-meter net, according to the *Asahi Shimbun*, a local newspaper. It will be deployed by the unit within the Tokyo Metropolitan Police responsible for patrolling critical governmental locations.

What's Coming

The FAA released a list of recommendations in November 2015 to facilitate improved monitoring of recreational drones. A key recommendation required that most drone operators register their machine with the FAA, which will place the information into a national database. In addition to the new regulations that took effect in December 2015, discussed earlier in this article, the FAA has slated additional regulations for potential adoption as soon as March 2016, but possibly as late as June.

Regardless of the impact of the new rules, a larger difficulty remains: Many drone operators are ignoring a number of the


existing rules with increasing frequency, under circumstances that clearly pose an imminent danger to public safety. Will drone operators comply with a registration requirement that appears to be largely voluntary?

Given the ongoing dramatic increase in drone sales, state legislatures throughout the nation are certain to revisit this issue in 2016, particularly if the latest wave of federal regulations do not seem strong enough. Areas of potential legislation include first-responder immunity, mandatory registration with local law enforcement, unique identifier requirements for individual drones and "kill switch" technology that can immediately disable a drone.

For more information and links to related resources, read the online version of this article at www.westerncity.com. ■



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What do leading solar communities have in common? It may not be what you expect.

By Megan Day, AICP

Local SC



SOLAR

The recently completed six-acre one-megawatt cooperative solar farm next to Walton Energy Membership Corporation headquarters in Walton County, Georgia, consists of 4,280 solar panels and is expected to produce approximately two million kilowatt-hours of solar electricity per year.

COURTESY WALTON ELECTRIC MEMBERSHIP CORPORATION

THE IVEY FAMILY FARM hadn't produced a crop since 1950. When the family sought to put the Walton County, Georgia, land to use again, they didn't want it to become a sprawling subdivision or feedlot. Instead, the family wanted a productive use that was compatible with the rural community and neighboring family farms. So they decided to harvest solar energy.

"Discussions centered on this solar farm as a type of farming that would be a low-impact part of a family farm," says Walton County Planning and Development Director Mike Martin. "The land owners saw this as a better option than 130 acres of houses or agribusiness. It really has worked out."

The resulting 30-megawatt Simon Solar farm near Social Circle, Georgia (pop. 4,358), about 45 miles east of Atlanta, made Walton County the leading community in solar energy generation in Georgia. Walton County generates about 10 times more solar power than Atlanta, and all the power from Simon Solar is purchased by Georgia Power.

Like many other communities that lead their state in solar energy generation, Walton County had no land-use or zoning mechanism to allow for a solar farm when the idea first surfaced. Yet the county worked to accommodate the solar farm development, in this case by establishing a new agribusiness zoning category that includes solar farms as well as uses like chicken houses and greenhouses. The county also altered its code to allow for residential rooftop and ground-mounted photovoltaic installations.

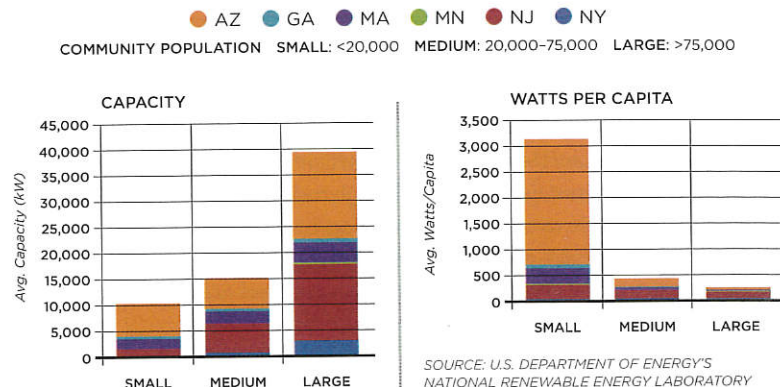
The Walton Electric Membership Corporation completed a six-acre, one-MW community solar farm this year under the county's new agribusiness zoning designation, with shares of the facility quickly selling out. The Simon Solar farm development increased community awareness and caused this second project to be well received. "People saw solar farms as not a bad neighbor to have," says Martin.

Which communities lead?

Walton County exemplifies the U.S. Department of Energy's National Renewable Energy Laboratory research finding that the communities generating the most solar energy per capita are smaller and less urban places that have worked to facilitate the development of community-scale solar. Additionally, while one might expect wealthy or well-educated communities to lead in this arena, NREL's analysis

Solar Production by Community Size—Two Different Views

While large cities have a greater number of solar installations and higher production capacities, small communities are leading the way in watts of solar energy produced per capita, in part because they have more space to build community-scale facilities.



disproved this common assumption.

State decision makers can use policy to require increased use of renewable energy resources. But what can local governments and planners do to increase solar energy generation within their communities? Local governments, lacking information on the most effective strategies to increase renewable energy, may be tempted to leave solar energy considerations to state decision makers and individual home owners.

Researchers at NREL set out to determine commonalities among communities that lead their state in solar energy generation in order to help inform local governments and planners.

NREL compiled cumulative solar installation data through the end of 2014 from state sources and the U.S. Department of the Treasury, and sought out population, land area, education, and income data from the U.S. Census Bureau. Because each state's policy context and solar resource differs significantly, communities were compared only with other communities within their state. Population groups were defined as: Small: <20,000, Medium: 20,000–75,000, and Large: >75,000. Data was collected for six states and more than 2,300 communities where comprehensive installation data was available.

As one might expect, larger cities have more solar installations and generate more solar energy on average than small communities.

On a per capita basis, however, the numbers tell a different story. In each state studied, on average, small communities generate more solar energy per person than larger cities.



Home owners and renters within the Walton Electric Membership Corporation's service area can purchase up to two blocks of solar energy. One block is equivalent to the output of 5.7 solar panels (between 180 and 260 kilowatt-hours) and costs \$25 per month.

GO DEEPER

A more extensive list of resources for planning for solar power is available at planning.org/webexclusive.

Size matters

Why? On average, small communities in the six states examined have fewer, larger solar installations than large cities. All of the top 50 solar-energy generating communities in Massachusetts have at least one system 500 kilowatts or larger. These are most often ground-mounted systems that span multiple acres, many of them connected directly to the electrical grid, rather than generating energy for on-site consumption. Smaller communities generally have more land available and at lower costs than cities, enabling them to site larger, community-scale facilities that can provide energy to a greater portion of their population.

Back to the wealth assumption that the NREL data debunked: Communities leading their state in total solar energy generation or installed watts per capita were, on average, at or slightly below state income and education averages.

That's because leading solar communities tend to be smaller communities with larger solar installations or larger cities with higher numbers of installations, not wealthy enclaves with residential rooftop installations.

Solar planning policies

Next, NREL looked at communities with local-level codes, development regulations, and comprehensive plans that address solar and compared that with the number and capacity of solar installations within those communities to get at the impact of such policies on solar development. Data sources included APA's SolarOPs solar planning and zoning data, the Database of State Incentives for Renewables & Efficiency, and NREL policy research.

In all six states studied, communities with known solar planning policies had more installed solar, on average, than those without such policies. And in four of the six states, communities with solar policies had more installed watts per capita than those without.

The most common local policies expressly addressing solar were development regulations, followed by comprehensive plans, and then sustainability, climate, or energy plans.

Many communities lack the mechanisms to allow for ground-mounted, primary-use solar installations in their land-use and zoning regulations when the initial prospect of a solar farm arises. But in the leading solar communities interviewed as part of this analysis, planners and elected officials acted fast, enacting necessary code provisions within a year.

Meriwether County, Georgia (pop. 21,298), had no provision for solar in its code when developers approached it seeking to build a three-MW solar farm next to an electrical substation.

"We did everything we could do to let them locate there," says Ron Garrett, the county's building and zoning director. "We know solar energy is one of the alternatives to fossil fuel and the big push by Georgia Power for solar is just all part of going green. The solar farm brings a lot of property tax revenue to the county and has no adverse side effects like pollution, noise, or traffic," he says.

Indeed, each community interviewed found solar farms to be a low-impact land use that generates additional tax revenue without placing a burden on public services.

Local strategies for increasing solar energy

Regardless of a community's size, wealth, or solar resource (i.e., the same PV system would generate about 25 percent more electricity

in Phoenix than it would in Minneapolis), there are local actions that tend to increase solar energy generation.

COMMUNITY SOLAR facilitates the development of solar gardens or community solar projects, where one or more subscribers receive credit on electricity bills for solar energy generated off-site. Harvard, Massachusetts, employed this tactic (harvardsolar.org).

GROUP PURCHASING supports expanded access to solar energy by establishing group purchasing arrangements where multiple residents and businesses receive lower cost installations. Portland, Oregon did this, developing the Solarize model for cities (portlandoregon.gov/bps/51902).

SOLAR-POWERED CITIES offset city electricity use with rooftop PV as well as solar farms, which was the approach in Dartmouth, Massachusetts (see sidebar).

ELIMINATE RED TAPE by reducing fees, removing prohibitive regulations, expediting approvals and inspections, and allowing for primary use, ground-mounted solar farms. Cities in Colorado can become Solar Friendly Communities by following 12 best practices for streamlining solar permitting (solarcommunities.org).

FRANCHISE AGREEMENTS leverage significant negotiating power with utility companies to request more renewable energy generation and programs—particularly when it comes time to re-up franchise agreements, which allow a utility's electric infrastructure within the city. In Minneapolis, Xcel Energy committed to supporting city renewable energy goals under a Clean Energy Partnership (mplscleanenergypartnership.org).

NREL's research finds that increasing local solar energy generation need not depend on wealthy residents or deep subsidies. Local solar leadership is instead achieved by eliminating barriers to solar installations of all sizes and actively supporting community-scale solar. ■

Megan Day is a project leader in the policy and technical assistance group at NREL in Golden, Colorado. She thanks APA; APA Senior Research Associate David Morley, AICP; the U.S. Treasury Department; Southface; the Minnesota Department of Commerce; and colleagues at NREL for their contributions to this research. This research and article was made possible with support from the Department of Energy's SunShot Initiative.

RESOURCES

FROM APA

The SunShot Solar Outreach Partnership, a U.S. Department of Energy initiative led by APA with other partners, includes a number of free resources, including the SolarOPs Solar Planning & Zoning database, the PAS Report *Planning for Solar Energy*, a webinar, briefing papers, and more: planning.org/research/solar.

ONLINE

NREL's state and local government resources, technical assistance, a solar scenario tool, and more: nrel.gov.
Database of State Incentives for Renewables & Efficiency: dsireusa.org.

Murray County, Minnesota's renewable energy ordinance: tinyurl.com/ouq6q3m.



An Eye on Every Drop

DON'T LET THE DESERT FOOL YOU:

Phoenix is far ahead of the curve when it comes to water conservation.

By DOUGLAS FROST, AICP



any Americans, and even Arizona residents, have incomplete, exaggerated, or even totally incorrect assumptions about the urban water infrastructure and supply situation in Metropolitan Phoenix. ¶ Many believe that because urban development has been strong here for decades, and because much of Arizona's land is desert, its cities depend largely on groundwater. ¶ In fact, groundwater makes up only about two percent of the total water supply for Phoenix, and its supply portfolio can accommodate new growth for decades to come. Not all of the state's municipalities have such robust water supplies, but it is important to understand that Arizona's situation can in many ways be considered a success story.





An aerial view of a CAP canal snaking through the Phoenix metro area. The CAP system has helped to ensure a dependable water supply for the region since its completion in 1992.

**CENTRAL
ARIZONA
PROJECT: 30
YEARS OF
SHAPING ARIZONA**

A vast system of canals, tunnels, pipelines, and pumping stations transports Colorado River water some 330 miles across the desert.

WATCH:
tinyurl.com/jse2fup

VIDEO

Many people also have the misconception that the Valley of the Sun's urban development is unsustainable, either because a tremendous amount of water is "wasted" or a short-term, consumption-focused philosophy is pervasive. The reality is far more nuanced.

It's true that in the past, per capita water usage was high, and new homes were built with grass lawns, pools, and inefficient fixtures and appliances at a breakneck speed. Planners responded by repeatedly seeking additional supplies to meet the demand. However, over the past three decades, a revolution has occurred in the way residents use water.

A glance at total water production at the city's treatment plants is one way to demonstrate that shift. In 1996, 320,288 acre-feet of water was treated, compared to just 299,317 AF of water in 2014—even though nearly 360,000 new residents and numerous businesses were added. That means that over this period, despite population increases in the city of Phoenix in the last 20 years, total water use actually decreased significantly.

The larger metro area has seen a similar trend. While the population grew from 2.63 to 3.96 million between 1996 and 2013, an increase of 50 percent, water use increased only by 24 percent. And depending on one's definition of "wasted" water, Phoenix is quite efficient with its sewage. Virtually everything treated at the city's wastewater plants is used again for cooling at power generation plants, agricultural irrigation, or environmental projects.

Water infrastructure

Not until federal government and community efforts to construct massive dam and canal structures, between 1910 and 1990, did urban Arizona have the water supplies to accommodate the tremendous growth that occurred when air conditioning, air travel, and the new interstate highway system spurred rapid urban development in the second half of the 20th century.

The first major dam, the Roosevelt Dam, was built in 1911. Farm owners back then had the foresight to mortgage their land to obtain federal funds

to build a series of facilities that eventually came to be the Salt River Project. Horse Mesa Dam, Bartlett Dam, and Horseshoe Dam were built in the decades that followed, for the storage and distribution of Salt River and Verde River water.

Today, the SRP provides water to the Phoenix, Mesa, Tempe, Scottsdale, Chandler, and Glendale water utilities, and is a key entity in the management of water supply operations in the state. All told, the system delivered an average of 666,244 AF of water per year between 2012 and 2014, with Phoenix using 169,905 AF a year and other municipalities using 193,254 AF (on average) during that time period. The remainder went to agriculture.

Water also comes from the Colorado River, thanks to the Central Arizona Project, a 336-mile-long series of canals and reservoirs serving Central and Southern Arizona that was completed in 1992. The system annually delivers 1.5 million AF of Colorado River water to Central Arizona. CAP was entirely financed and partially funded by the federal government, with municipal utilities and others repaying the remaining debt.

“The rapid expansion of cities in Metropolitan Phoenix only occurred because of a high degree of cooperation between property owners, municipal utilities, the state legislature, local businessmen, and of course, the federal government in funding and financing water projects,” says Douglas Kupel, deputy water services director for the city of Glendale and the author of the book *Fuel for Growth*, a history of Arizona’s water and urban development. The SRP

and CAP systems have provided a dependable water supply for cities and farms alike, facilitating the area’s tremendous urban growth following the Second World War.

While drought and, at times, over-allocation, have affected water supply—together those factors contributed to recent drops in water levels at Lake Mead and Lake Powell—water supplies in Arizona have been relatively stable. That has allowed the state to avoid the dire shortages experienced in California, Texas, and other parts of the U.S.

More people, less water use

Starting around mid-century, many high-tech firms like Motorola, Honeywell, and Intel established manufacturing facilities in Phoenix. The city and the Valley, with their reliable water supplies, were seen as attractive alternatives to desirable but expensive locations in California, and the rapid expansion of high-tech and defense firms and an influx of well-paid engineers and skilled workers helped to drive growth. The population of the city of Phoenix exploded after 1950, rising from 107,000 then to 996,501 in 1990 during the age of American mass production and consumption. Today, the population is 1,514,458.

With those jobs came low-density, single-family housing, just as in other parts of the U.S. Virtually all new homes came equipped with indoor plumbing and grass lawns, and until about 1990 the numbers of washing machines, dishwashers, and swimming pools increased at a dramatic pace, which drove up

‘It is truly surprising how much change is occurring, and has occurred, in the commercial and industrial sectors—they just keep finding more and more ingenious ways to reduce water use.’

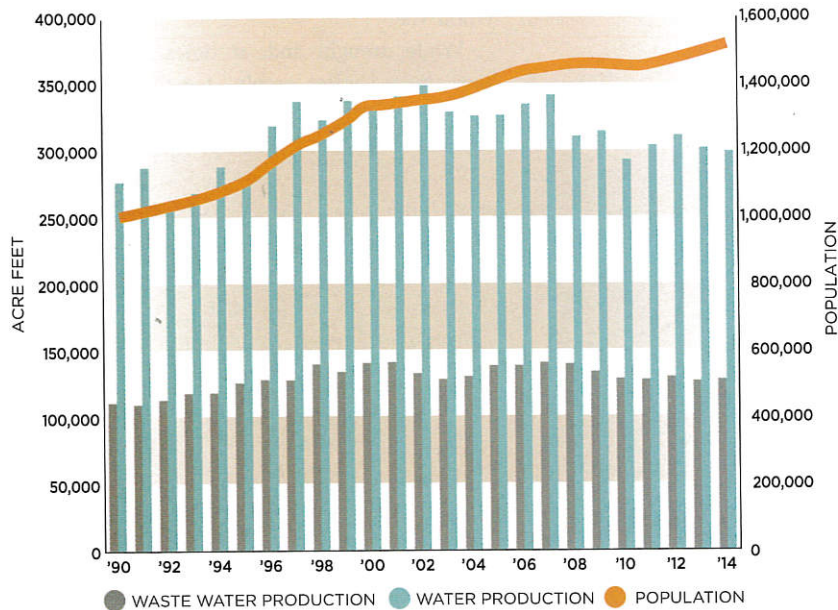
EDDIE WILCUT,
WATER
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CONSULTANT



The SRP, another major project, delivers Salt River water. Landscaping, plazas, and the Marshall Way Bridge help make this section of the SRP’s Arizona Canal in downtown Scottsdale part of the public realm.

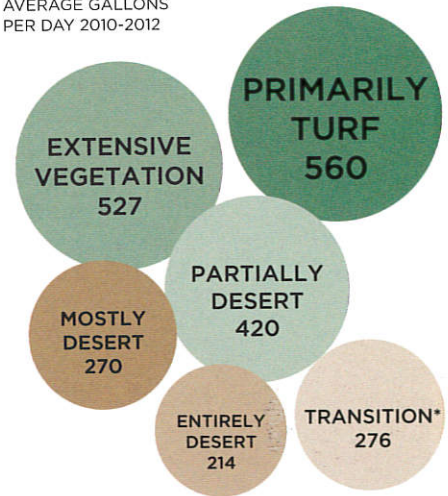
Phoenix Water Use

PRODUCTION AND POPULATION



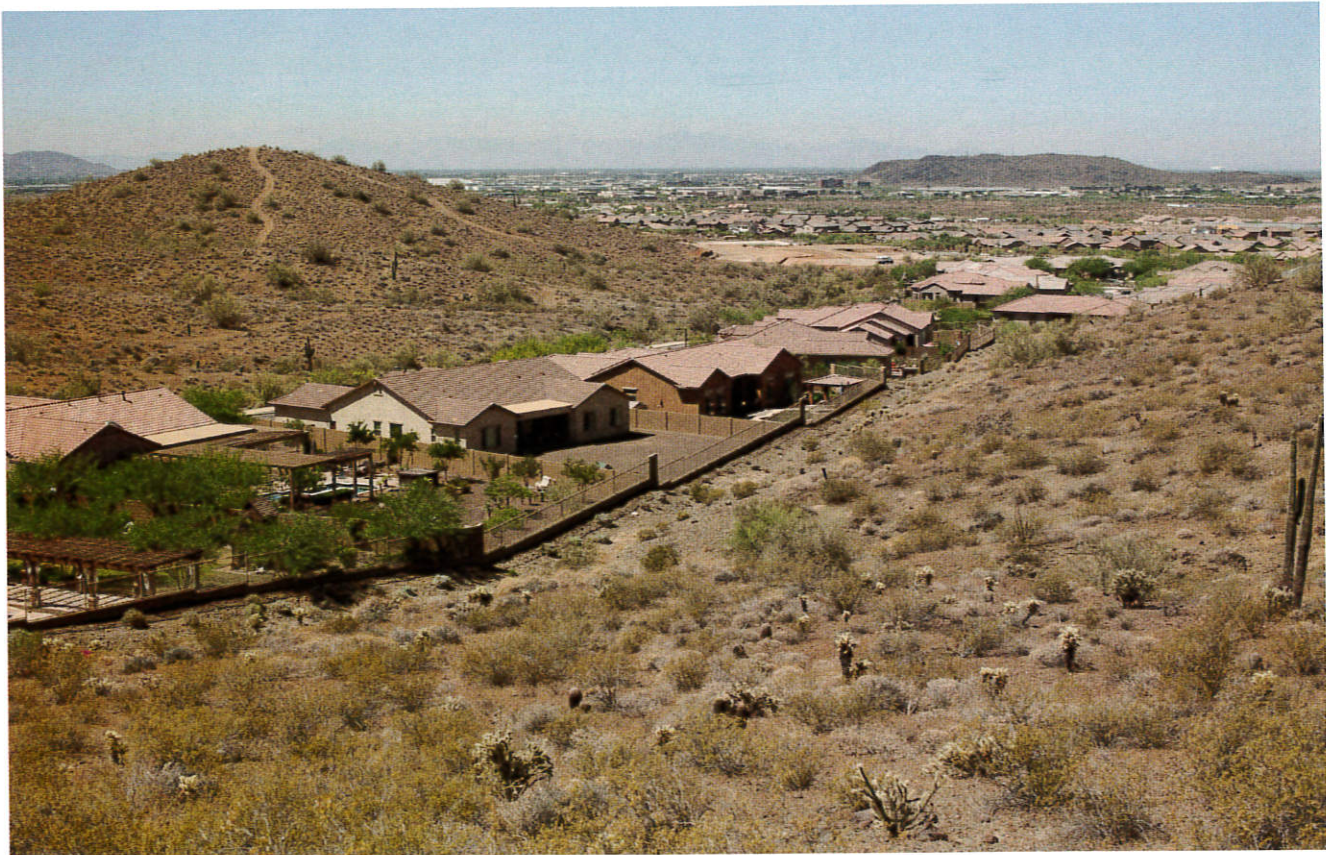
SINGLE FAMILY USE BY LANDSCAPE TYPE

AVERAGE GALLONS
PER DAY 2010-2012



*Turf is dying, dead, dormant, or difficult to define

SOURCE: PHOENIX WATER SERVICES



In the 1970s most new developments had turf-dominated landscapes that required large amounts of water for irrigation. Now most new housing developments have mostly or partially desert landscapes. Many that are located in the north, like Fireside at Norterra (above), are designed to resemble nearby hills and mountains.

the Valley's water demands and per capita water use.

Water utilities struggled to keep up, continually adding new water and wastewater treatment capacity, building larger networks of water mains and sewers, and seeking out new water supplies. Capital improvement projects consistently commanded a large portion of municipal budgets, and rising demands for services dominated planning considerations until the 21st century.

Urban growth and its thirst for water were so intense by the 1970s that something had to be done. The Arizona Groundwater Management Act of 1980 was a hard-won compromise between municipal, agricultural, and industrial interests to eliminate excessive groundwater pumping. The act establishes specific requirements for each of those water users, among others, with the intent of meeting a goal of "safe yield"—defined as the amount of water that can be withdrawn from an aquifer without significant negative impacts—by 2025 for certain areas of the state, including the Phoenix Active Management Area.

Notable aspects of the law include regulation of water use on farms, levies on groundwater pumping, municipal conservation requirements, elimination of high-water-use landscaping in public rights-of-way, limitations on artificial water features, and restrictions on water use for golf courses and other large turf facilities. Perhaps most importantly, proposals for new development must prove that they have an assured 100-year water supply before approvals will be granted.

Other efforts followed. The state, municipalities, and organizations like the Arizona Municipal Water Users Association began to actively promote the use of native landscaping for homes, businesses, and open space through public campaigns, educational efforts in conjunction with nurseries, and restrictions on the types of plants used in rights-of-way.

The city of Phoenix, spurred on by both wastewater capacity and water supply issues, changed its plumbing code in the 1980s to require more efficient fixtures, established a water conservation office, subsidized the installation of more efficient toilets, and introduced water resource and system impact fees to pay for new facilities and water supplies. These interventions, although not universally popular, ultimately proved to be very successful.

Things were happening on a national level starting about a decade later, in the 1990s. The 1992 Federal Energy Policy Act established plumbing fixture water use standards—most notably limiting toilets to 1.6 gallon per flush—that precipitated a drop in water use rates. Federal programs that work with manufacturers and local government interests to establish efficiency specifications of consumer products—toilets, clothes washers, dishwashers, faucets, showerheads, and other fixtures—first through the

HISTORY OF WATER MANAGEMENT IN ARIZONA

Arizonans have been working with water since the 1860s, when the then-territory established the Howell Code governing appropriations. Follow the flow of water management in this interactive timeline.

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Energy Star and then WaterSense labeling programs, continue to result in gradual reductions in indoor residential and commercial water use.

These federal fixture standards, combined with an increasing acceptance of low-water-use landscaping, caused per capita water use to stop growing and actually begin to decline in many Arizona communities. In the mid-1980s, about 20 percent of single family homes in Phoenix had xeriscape (partial or mostly desert) landscaping; by the late 1990s, the proportion had grown to about 50 percent. Today, it is over 80 percent. Arizona home builders, who sometimes resisted early conservation efforts, now routinely construct high-efficiency homes with partial or mostly desert landscapes.

While per capita water use declined slowly in the 1980s and 1990s, changes occurred more rapidly after 2000. That's because commercial and household efficiencies lessened demand at about the same that the economy in the Valley stalled. Major production facilities for defense and high-tech firms stopped moving there in large numbers, and the operations that remained reduced staff, relocated manufacturing operations, or introduced new equipment that used less water. Since 2000, employment growth has shifted toward low-water-use sectors like financial services and software development, further lessening the connection between economic activity and water consumption.

Counterintuitively, the real estate boom that occurred after the turn of the century actually accelerated water efficiency gains. Homes renovated for resale and new residential construction led to the installation of newer, more efficient toilets, washing machines, and xeriscape landscaping. As a result, per capita residential use in Phoenix declined 8.9 percent between 2000 and 2007, significantly more than the 1.9 percent reduction seen during the previous seven years (between 1993 and 2000).

Increased efficiency

The sharp recession that followed further reinforced the shift to increased efficiency. Various industries' production rates slowed, reducing water demand, and companies also saw saving water as a cost-saving measure. Home owners also tightened their belts, reducing water and energy use, and installing desert-oriented landscapes that were less expensive to maintain. Nationally, fixture and other product manufacturers continued to respond to customers' demands for even higher energy and water efficiencies than those mandated by law.

One of the most interesting aspects of the current era, and one which is not often recognized, is the degree to which businesses and households are using less water, electric power, natural gas, and gasoline while maintaining or even increasing the levels of service provided by those commodities.

BEYOND THE METRO: RURAL NEEDS, AGRICULTURE, AND CLIMATE CHANGE

By Ray Quay, FAICP

Many people living outside the American Southwest have a vision of Arizona as a vast plain of lifeless, shifting sands and rocky grand canyons. Though it is dry, with an average of seven inches of annual rain, the reality is that it is one of the most diverse landscapes of flora and fauna in the U.S.

The natural environment has adapted to the dry climate in robust and remarkable ways, as has human settlement.

For over a thousand years, humans in Arizona living in a climate of large annual variations between dry and wet periods survived by gathering water during wet years to survive during dry years. A thousand years ago, the Hohokam Indians built canals to divert water in wet years to irrigate their crops, and the tradition of gathering water in wet years for use in dry years continues.

Today, the urban areas of Central Arizona, which cover 80 percent of the state's population, have made great strides in working toward sustainable water supplies relying on three sources of water: the Salt and Verde River system, the Colorado River, and significant reserves of groundwater. Decades of planning, infrastructure development, and innovative regulations such as the 1980 Groundwater Management Act made it possible to support our current population and provide a leadership roadmap for future populations.

However, the situation for rural Arizona is more uncertain. The GMA goal of safe groundwater yield was only for urban areas. Most agricultural areas are not required to achieve safe yield and many rural communities are struggling with declining groundwater levels. Like most western states, Arizona agriculture is the largest user of water, consuming 75 percent of the total. Over the last 50 years, agriculture water use has declined as urban water use has increased, leading urban water managers to assume that future urban water demands could be met with water rights used by agriculture today.

Yet most of these past transfers were the result of declining agriculture economics and transitions of agricultural land to urban. Such trends are unlikely to continue, and future transfers of agriculture water rights will create a need to resolve the trade-offs (both tangible and intangible) between water used for agriculture and water used to fuel urban places and economies. There also remain a number of uncertainties about the future of water supply and demand. Climate change may reduce the storage capacity of snowpack, shift seasonal patterns to more precipitation in summer and less in winter, generate fewer but more extreme storm events, and increase water demand with higher temperatures.

So far, the water needs of natural environments have not been a player in state water planning. One reason is that these environmental water needs have not been well understood under normal conditions and are even less understood in the face of climate change.

Arizona is not resting on its past successes but is forging new innovations in water management. Several efforts are under way: an agreement among major water management entities to keep

Evidence abounds in the nonresidential sectors:

- As manufacturers replace and update equipment, they are adopting looped systems that reuse both water and energy.
- Hospitals' sterilization processes and digital imagery technologies no longer even use water.
- Schools are introducing artificial turf on playing fields and are installing geothermal cooling systems for air conditioning, which eliminate or reduce the number of water-using cooling towers.
- Commercial laundries use washer extractors that consume just two-thirds the amount of water that devices used 10 years ago.
- Offices and other facilities use far more energy efficient lighting systems, equipment, and air conditioners, which reduces heat loads and in turn lowers the requirements on cooling towers.

As Eddie Wilcut, a 25-year veteran of water conservation efforts in Texas and more recently a consultant in the Phoenix area says: "It is truly surprising how much change is occurring, and has occurred, in the commercial and industrial sectors—they just keep finding more and more ingenious ways to reduce water use."

And then there's the home front. Adding to the shift toward drought-resistant landscaping and water-efficient drip irrigation systems, more developments are being built with community pools and fewer new homes are equipped with backyard pools. Pool construction reached its peak in the early 1990s, and homes built in 1993 have the highest proportion of units with pools—50 percent. Only about a fifth of homes built from 2005 to 2015 have pools. Inside the home, devices are becoming increasingly more efficient. Take washing machines: Water use per cycle dropped from about 50 gallons in the 1980s to about 40 gallons in the 1990s and today, some top-load washers use just 18 gallons per load while the latest front loaders use as little 12 to 14 gallons.



water in Lake Powell to forestall water shortages; an agreement between Phoenix and Tucson to bank Colorado River water in Tucson's aquifer in exchange for future Tucson Colorado River rights; a new policy in Chandler to prioritize allocation of water resources based on quality-of-life and economic goals; and a test of fallowing agriculture in Yuma that uses Colorado River water to keep water in Lake Mead.

Though Arizona is characterized in the national press as on the verge of drying up and blowing away, the reality of today is far from that. A long history of water leadership has created a different reality today. But Arizona faces new challenges that will require a new generation of water leaders positioned to craft a sustainable water future.

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Planning implications

Municipal utilities in the Valley are thus faced with a complicated set of planning challenges. Each has its own portfolio of existing and future supplies, its own customer use profiles, and its own rate of change patterns, which can defy easy quantification.

In Arizona, like most of the West, water is generally allocated on the basis of prior rights, and communities like Phoenix, Mesa, Tempe, and Glendale were able to obtain relatively good allocations of water from the SRP and CAP systems prior to 1990. As a result, the utilities in these jurisdictions will be able to obtain substantial supplies even if cuts are made in those systems in periods of shortage.

Most of those older, established cities also have a large base of housing stock built before 1995, when units were less efficient, and as a result have a “reservoir” of future demand reductions associated with gradual upgrades that will go on for decades.

Newer communities are more vulnerable. Their housing stock is newer and more efficient, and thus less able to reduce use in coming decades, and because those communities were established after most surface water in Arizona was already allocated, their access to SRP and CAP supplies is much more limited and more liable to be cut in shortage years.

The region’s supply is pretty stable, but Phoenix isn’t taking any chances. The city is committed to building a resilient system that can withstand future droughts. With the decline in per capita use, planning has shifted away from adding new supply toward the bolstering of groundwater reserves to deal with the periodic reductions that will almost inevitably occur in CAP and SRP deliveries in coming decades.

Extensive scenario analyses are helping city staff to identify the impacts of varying levels of efficiency gains, population change, and supply variations to ensure that Phoenix will be able to respond to all potential demands on infrastructure and resources.

Over the next decade the city will also be ramping up its efforts to increase, rather than deplete, its groundwater reserves by injecting water into aquifers using special wells. Other communities and state agencies in Arizona have already implemented similar strategies in an effort to add to groundwater resources. Phoenix and Tucson are also working on a cooperative exchange project that would see Phoenix moving water to Tucson for storage in regular years and then reclaiming that water in shortage years.

Still, there’s a lot to learn. Arizona utility and land-use planners will have to become more cognizant of the intricacies of water supply and demand issues, abandon old assumptions, undertake more research, and improve coordination between different organizations and professional disciplines.

Here’s one of those old assumptions: For years, many planners have said that higher densities would automatically lead to reduced water use. The reality, however, is much more complex. With the widespread use of desert landscaping, owners of single-family homes can have large lots that require little or no irrigation

water. On the other hand, research indicates that some multifamily developments maintain lush landscaping that boosts residents’ per capita water usage, and many high-rise multifamily complexes have cooling towers that raise usage even more.

Similarly, economic development and lower water use are not necessarily mutually exclusive. While some projects like data warehouses with cooling towers or traditional golf courses can lead to increased demands that may be difficult to justify in communities with limited resources, it must be noted that not all high-quality employment has high water consumption. In part that’s because new commercial developments are installing high-efficiency fixtures and equipment, and renovations and upgrades of existing production facilities also typically result in lower water use.

This is not to imply, however, that urban growth in the Valley of the Sun can continue indefinitely without any concern about water resources. Eventually some areas will reach the point where even extremely water-efficient growth cannot be accommodated.

A greater threat, though, is the possibility that Arizonans will become complacent about the need to be efficient. With relatively low water rates by national standards, and few onerous restrictions on use, residents and businesses are being relied on to make responsible decisions without the major interventions common in neighboring states.

One of the most difficult potential scenarios for water planners would be a reversal of the current trend toward desert landscaping. Nonnative plants and turf not only increase peak demands in the summer, stressing infrastructure and depleting supplies on an ongoing basis, they also dramatically increase risk during drought cycles or long-term climatic change; as the climate becomes hot and dry, customers increase their irrigation demands at precisely the worst time—just when basins dry out quickly and supplies rapidly diminish.

If the trend toward efficiency slows, population growth rates increase significantly, or severe shortages occur as a result of droughts (like those experienced in Australia and California), Arizona communities could be forced to take aggressive action as they did in the 1980s. Because obtaining additional water supplies from desalination or other distant sources is so expensive, and because only so much groundwater can be pumped locally on a sustainable basis, the Valley of the Sun is to a large degree working within a given water budget.

As a result, the highly successful but not always recognized initiatives to improve efficiency—undertaken by individual residents, businesses, local communities, water providers, appliance manufacturers, and the state and federal governments alike—will be critical if the area is to continue growing and prospering. To keep those collaborative initiatives moving forward, however, it may first be necessary to better understand the state’s past, current, and possible future realities. ■

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